FORM **BE-14** (BEV. 12/2003)

U.S. DEPARTMENT OF COMMERCE BUREAU OF ECONOMIC ANALYSIS

REPORT BY A U.S. PERSON WHO ASSISTS
OR INTERVENES IN THE ACQUISITION OF
A U.S. BUSINESS ENTERPRISE BY, OR
WHO ENTERS INTO A JOINT VENTURE
WITH, A FOREIGN PERSON
MANDATORY - CONFIDENTIAL

MAIL REPORTS TO U.S. Department of Commerce Bureau of Economic Analysis BE-49(NI) Washington, DC 20230

DELIVER REPORTS TO U.S. Department of Commerce Bureau of Economic Analysis, BE-49(NI) Shipping and Receiving Section M-100 1441 L Street, NW Washington, DC 20005

NOTE - File a single original copy of the form with the Bureau of Economic Analysis. Retain file copies for 3 years.

This report is to be completed either by -

- (a) A U.S. person including an intermediary, a real estate broker, business broker, and a brokerage house who assists or intervenes in the sale to, or purchase by, a foreign person or a U.S. affiliate of a foreign person, of a 10 percent or more voting interest in a U.S. business enterprise, including real
- **(b)** a U.S. person who enters into a joint venture with a foreign person to create a U.S. business enterprise.

A U.S. person is required to report only when such a foreign involvement is known; it is not incumbent upon the U.S. person to ascertain the foreign status of a person involved in an acquisition unless the U.S. person has reason to believe the acquiring party may be a foreign person.

Form BE-14 is not required if a U.S. person files Form BE-13 relating to the acquisition of the U.S. business enterprise by a foreign person.

PURPOSE – BE-14 reports are required in order to identify new foreign direct investments in the United States.

MANDATORY – This survey is being conducted pursuant to the International Investment and Trade in Services Survey Act (P.L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108 as amended – hereinafter, "the Act"), and the filling of reports is mandatory under Section 5(b)(2) of the Act (22 U.S.C. 3104). The implementing regulations are contained in Title 15 CFR, Part 806.

This report has been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501, et. seq.).

Confidentiality – The Act provides that your report to this Bureau is CONFIDENTIAL, and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process.

EXEMPTIONS – If the U.S. business enterprise acquired has total assets of, or if the capitalization (including loans from the joint venturers) of the joint venture to be established is, \$3,000,000 or less, then no report is required, provided the enterprise does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S. land, a report is required regardless of the value of total assets.)

Real Estate – The ownership of real estate is a business enterprise, and if the real estate is foreign owned, it is a U.S. affiliate of a foreign person. However:

- Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements. A residence which is an owner's primary residence that is then leased by the owner while outside the United States, but which the owner intends to reoccupy, is considered real estate held for personal use.
- Ownership of U.S. residential real estate by a corporation whose sole purpose is to hold the real estate for the personal use of the owner(s) of the corporation is considered to be real estate held for personal use and not subject to the reporting requirements.

ASSISTANCE – Telephone (202) 606–5577 or FAX (202) 606–5319.

DUE DATE – Form BE-14 is due **no later** than 45 days after the direct investment transaction occurs.

CONTROL NUMBER

The combined public reporting burden for related Forms BE-13, BE-13 Supplement C, and BE-14 is estimated to vary from 1 to 4 hours per response, with an average of 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0035, Washington, DC 20503.

Penalties – Whoever fails to report shall be subject to a civil penalty of not less than \$2,500 and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both. (22 U.S.C. 3105)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number

		ITIFICATION OF PERSON FILING REP									
	purchase joint vent	by, a foreign person of a U.S. busines ure with a foreign person.	lress of U.S. person assisting or intervening in the sale to, or a foreign person of a U.S. business enterprise, or entering into a with a foreign person.								
	Name of U.	S. person									
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	City and Sta	ate			ZIF	Code					
This report is being completed by (Mark (X) one) 2. A U.S. person assisting or intervening in a purchase or sale of a U.S. business enterprise Complete Part II											
	3. A U.S. per foreign pe	rson entering into a joint venture with	n a prise	Complete	Part III (Se	e Page 2)					
	Part II INFO	RMATION RELATED TO PURCHASE (OR SALE	TRANSA	CTION	- 0 /					
This Part is to be completed only if item 2, Part I above, was marked. 4. Name and address of U.S. business enterprise that is being acquired by the foreign person, or by an existing U.S. affiliate of a foreign person. (If the enterprise is land held for investment and there is no operating enterprise, and if you mark "No" in item 5 below, enter the name and address of U.S. person acting as agent or other intermediary of the foreign person on a continuing basis, together with sufficient information to identify the property.) Name of U.S. business enterprise											
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	7. Date trans	saction was completed		Month	Day	Year					
	8. Value of transaction based on your Bil.		Mil.	Thous.	Dols.						
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	9. If the answer	er to item 5 is "Yes," should future ms be sent to you for completion?			Yes	No					
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		Authorized official's signature			Date						

REPORT — Enter name and address Name 1000 1	prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that, in accordance with III.G. of the Instructions, estimates have been provided where data are not available from customary accounting records or precis data could not be obtained without undue burden.						
Address	Authorized official's signature Date						
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TELEPHONE 1001 1 Area code 2 Number 3 Extension	Print or type name and title						
FAX NUMBER 4 Area code 5 Number	Telephone number FAX number						
May we use e-mail to correspond with you to discuss questions relating to this Form BE-14, including questions that may contain information about this transaction that you may consider confidential? (Note that electronic mail is not inherently confidential; we will treat information we receive as confidential, but your e-mail is not necessarily secure against interception by a third party.) E-mail address 1 2 No 1027							

Covered only referred 2 The Control of Cont	Part II INFORMATION RELATED TO	O PURCHASE OR SALE TRANSAC	TION – Continued		
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(c) If an owner or employee of a business enterprise resides outside the country of location of the enterprise for one year or more for the purpose of furthering the business of the enterprise, and the country of the business enterprise is the country of citizenship of the owner or employee, then the owner or employee, then the country of citizenship provided he or she intends to return within a reasonable period of time. (d) Individuals and members of their immediate familities who reside outside their country of citizenship as a result of employment by the government of that country – diplomats, consular officials, members of the armed forces, etc. – are considered to be residents of their country of citizenship. DEFINITIONS A. United States, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States. B. Foreign, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States for local government, the United States of which belongs to or is characteristic of a country other than the United States or local government, and any agency, corporation, inancial institution, or other entity or instrumentality thereof, including a government, agency). D. Foreign person means any person resident outside the United States. Solution to the enterprise in the tenth than through an incorporated dusiness on an equivalent interest for an unincorporated business or an equivalent interest for a unincorporated business	of citizenship for less than one year residents of their country of citizen (b) Individuals who reside, or expect of citizenship for one year or more	ar are considered to be nship. to reside, outside their country e are considered to be	ownership or control, directly or indirectly, by one foreign centum or more of the voting securities of an incorporate enterprise or an equivalent interest in an unincorporated	person of 10 per d U.S. business	
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Page 2