



**MANDATORY — CONFIDENTIAL**

**BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES – 2007**

**CLAIM FOR EXEMPTION FROM FILING FORM BE-12(LF), BE-12(SF), BE-12 Mini, OR BE-12 BANK**

**DUE DATE: MAY 31, 2008**

**ELECTRONIC FILING:** Go to [www.bea.gov/efile](http://www.bea.gov/efile) for details

**OR**

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

**OR**

**DELIVER REPORTS TO:** U.S. Department of Commerce  
Bureau of Economic Analysis, BE-49(A)  
Shipping and Receiving Section, M100  
1441 L Street, NW  
Washington, DC 20005

**OR**

**FAX REPORTS TO:** (202) 606-5319

**A. Name and address of U.S. business enterprise** – If a label has been affixed, make any changes directly on the label. If a label has not been affixed, enter the BEA Identification Number of this U.S. affiliate, if available, in the box at the upper right hand corner of this page.

Name of U.S. affiliate

1002 0

c/o (care of)

1010 0

Street or P.O. Box

1003 0

City and State

1004 0

ZIP Code

1005 0

Foreign Postal Code

OR 0

**ASSISTANCE**

**Email:** [be12/15@bea.gov](mailto:be12/15@bea.gov)

**Telephone:** (202) 606-5577

**FAX:** (202) 606-5319

**Copies of blank forms:**

<http://www.bea.gov/surveys/fdiusurv.htm>

**Definitions of key terms** – See page 3.

**B. Enter Employer Identification Number(s)** used by the U.S. business enterprise to file income and payroll taxes.

Primary

1006 1

Other

2

**RESPONSE REQUIRED**

Section 806.4 of 15 CFR, Chapter VIII, requires that all persons subject to the reporting requirements of the BE-12 Survey respond, whether or not they are contacted by BEA. It also requires that persons who are contacted by BEA about reporting in this survey, must respond in writing. They may respond by:

- certifying in writing, by May 31, 2008 to the fact that the person had no direct investment within the purview of the reporting requirements of the BE-12 survey;
- completing and returning the Form BE-12(X) – Claim for Exemption From Filing Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 BANK, by May 31, 2008;
- filing the properly completed Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 BANK by May 31, 2008, as required; or
- using BEA's E-File system to complete Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 BANK by May 31, 2008. Go to [www.bea.gov/efile](http://www.bea.gov/efile) for details.

**WHICH SECTIONS TO COMPLETE?**

Complete items A and B above, and the Person to Consult Concerning Questions About This Report and the Certification at the bottom of this page. Also, please review the questions below to determine the additional information required.

- I** Were at least 10 percent of the voting rights in your business directly or indirectly owned by a foreign person or entity at the end of your fiscal year that ended in calendar year 2007?
- Yes – Continue with question II below. **Note: Your business is hereinafter referred to as a "U.S. affiliate."**
- No – Complete item (a) or (b) or (c) or (d) or (e) on page 2. If your business has been liquidated or dissolved, complete 2(a) or (b) or (c).
- II** Were more than 50 percent of the voting rights in this U.S. affiliate owned by another U.S. affiliate, or was this U.S. affiliate merged into another U.S. affiliate before the end of this U.S. affiliate's fiscal year that ended in calendar year 2007?
- Yes – Continue with question III below.
- No – You are not eligible to file Form BE-15 Supplement C and must file either a Form BE-12(LF), BE-12(SF), BE-12 Bank, or BE-12 Mini. Copies of blank forms may be found at: <http://www.bea.gov/surveys/fdiusurv.htm>
- III** Will the data for this U.S. affiliate be consolidated into the 2007 BE-12 report filed for the U.S. affiliate that owns it more than 50 percent, or be included on the 2007 BE-12 report filed for the U.S. affiliate into which it was merged?
- Yes – Complete item (f)(1) or (f)(2) on page 2.
- No – Contact BEA for guidance.

**MANDATORY CONFIDENTIALITY PENALTIES**

This survey is being conducted under the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended). The filing of reports is mandatory and the Act provides that your report to this Bureau is confidential. Whoever fails to report may be subject to penalties. See page 3 for more details.

**PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address**

Name	1000	0			
Address	1029	0			
	1030	0			
	1031	0			
TELEPHONE NUMBER	1001	0	Area code	Number	Extension
FAX NUMBER	0999	0	Area code	Number	

**CERTIFICATION** — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that estimates may have been provided where data are not available from customary accounting records or precise data could not be obtained without undue burden.

Authorized official's signature	Date
Print or type name and title	
Telephone number	FAX number

May we use e-mail to correspond with you to discuss questions relating to this Form BE-12(X), including questions that may contain information about your company 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.)

1027 1  Yes (If yes, please print your e-mail address.) → E-mail address (Please print)

2  No

1028

**BASIS OF CLAIM FOR EXEMPTION**

**Select one type of exemption based on one of the reasons listed below. Please check the box corresponding to the type of exemption you are claiming.**

**This U.S. business enterprise is exempt from filing Form BE-12(LF), BE-12(SF), BE-12 Bank, or BE-12 Mini because:**

**(a)**   This U.S. business enterprise was a U.S. affiliate of a foreign person or entity at some time during calendar year 2007, but ceased to be a U.S. affiliate before the end of its fiscal year that ended in calendar year 2007.

*Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.*

7012	Month	Day	Year
	1		

**(b)**   This U.S. business enterprise was not a U.S. affiliate of a foreign person or entity at any time during calendar year 2007 but had been a U.S. affiliate of a foreign person or entity at some time between January 1, 2002 and the beginning of calendar year 2007.

*Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.*

7010	Month	Day	Year
	1		

**(c)**   This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time after December 31, 2001 but was a U.S. affiliate sometime prior to January 1, 2002.

*Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.*

xxxx	Month	Day	Year
	1		

**(d)**   This U.S. business enterprise is a U.S. affiliate of a foreign person or entity, but became a U.S. affiliate after the end of its fiscal year that ended in calendar year 2007, or if a newly formed company, its first fiscal year did not or will not end until after the end of calendar year 2007. *Complete items (1) and (2) below.*

*(1) Give date when the U.S. business enterprise became a U.S. affiliate of a foreign person.*

7013	Month	Day	Year
	1		

Note that a Form BE-13 should have been filed to reflect the acquisition. Copies of blank forms can be found at: [www.bea.gov/bea/surveys/fdiusurv.htm](http://www.bea.gov/bea/surveys/fdiusurv.htm)

*(2) Give the ending date of the U.S. business enterprise's fiscal year that ended in calendar year 2007. If a newly formed company give the ending date of the U.S. business enterprise's first fiscal year. NOTE: For a newly formed company this must be a date in calendar year 2008.*

7014	Month	Day	Year
	1		

**(e)**   This U.S. business enterprise is exempt from filing because its owners are citizens of the United States who are resident abroad as a result of official employment by the U.S. Government (including the immediate family of such persons), or its owners have been and expect to be resident abroad for less than one year.

**(f)** This U.S. business enterprise was a U.S. affiliate of a foreign person or entity during the fiscal year that ended in calendar year 2007 but was (please check appropriate box (1) or (2)):

**(1)**   **Fully consolidated** into the 2007 BE-12 report filed for another U.S. affiliate; **OR** **(2)**   **Merged** into another U.S. affiliate and its operations are included on the 2007 BE-12 report filed for the other U.S. affiliate.

*On the lines below give the name, address, and BEA Identification Number of the U.S. affiliate into which this U.S. affiliate is fully consolidated or merged.*

Name

00120	0	
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Street or P.O. Box

00130	0	
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City and State

00140	0	
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ZIP Code

00150	0	
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BEA Identification Number of the U.S. affiliate into which this U.S. affiliate is fully consolidated or merged.

7011	0	
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**(g)**   Other – *Specify and include reference to section of regulations or instructions on which claim is based.*

7015	0	
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Remarks

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

**Penalties** – Whoever fails to report may 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. The civil penalties are subject to inflationary adjustments. Those adjustments are found in 15 CFR 6.4. 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. The control number for this survey is at the top of page 1 of this form.

**Respondent Burden** – Public reporting burden for this form is estimated to vary from xx to xx minutes per response with an average of x xxxx 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 0608-0042, Washington, DC 20503.

**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.

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#### DEFINITIONS OF KEY TERMS

**Affiliate** means a business enterprise located in one country that is directly or indirectly owned or controlled by a person or entity of another country to the extent of 10 percent or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch.

**Direct investment** means the ownership or control, directly or indirectly, by one person or entity of 10 percent or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

**U.S. affiliate** means an affiliate located in the United States in which a foreign person or entity has a direct investment.