

**MANDATORY — CONFIDENTIAL\***

# **SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN THE UNITED STATES**

## **FORM BE-13A**

**(Report for Acquisition of a U.S. Business Enterprise)**

If you received a letter from BEA with a Lead ID, please enter it here:

005 3

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

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Direct Investment Division, BE-49(NI)  
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Washington, DC 20230

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Direct Investment Division, BE-49(NI)  
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**Assistance:** E-mail: [be13@bea.gov](mailto:be13@bea.gov)  
Telephone: (301) 278-9419  
Copies of form: [www.bea.gov/be13](http://www.bea.gov/be13)

**Name and mailing address of U.S. Business Enterprise**

010	Company Name 1		
011	In Care Of 1		
012	Attention 1		
013	Street 1 1		
014	Street 2 1		
015	City 1	State 2	Zip 3
	Country 4		

**Due date:** No later than 45 calendar days after the acquisition is completed.

**Who must report:** A BE-13A report must be filed by a U.S. business enterprise when a foreign entity acquires a voting interest (directly, or indirectly through an existing U.S. affiliate) in that U.S. enterprise, segment, or operating unit and (1) the total cost of the acquisition is greater than \$3 million, and (2) by this acquisition, at least 10 percent of the voting interest in the acquired entity is now held (directly or indirectly) by the foreign entity.

**INCLUDE:**

- Purchase of U.S. real estate (including land) that is intended for lease or sale without significant added construction.
- Establishment of a new U.S. business enterprise, that will not be dissolved, for the sole purpose of completely acquiring a single U.S. business enterprise within 30 days after the establishment. Consolidate the new U.S. business enterprise with the acquired U.S. business enterprise on a single BE-13A report.

**EXCLUDE:**

- Purchase of U.S. real estate including land on which you intend to perform construction. Report either as part of the establishment of a new U.S. affiliate (Form BE-13B) or as the expansion of an existing U.S. affiliate (Form BE-13D), whichever is applicable.
- Acquisition of voting interest in an existing U.S. affiliate in which a foreign entity already has a 10 percent voting interest. Report on Form BE-13 Claim for Exemption.
- Purchase of U.S. real estate to be held exclusively for personal use and not for profit-making purposes. Report on Form BE-13 Claim for Exemption.

**Alternate forms:**

Report on Form BE-13B if a foreign entity, or an existing U.S. affiliate of a foreign entity, establishes a new legal entity in the United States and (1) the projected total cost to establish the new legal entity is greater than \$3 million, and (2) the foreign entity owns 10 percent or more of the new business enterprise's voting interest (directly or indirectly).

Report on Form BE-13D if an existing U.S. affiliate of a foreign parent expands its operations to include a new facility where business is conducted and the projected total cost of the expansion is greater than \$3 million.

Report on Form BE-13E if the U.S. business enterprise previously filed a BE-13B or BE-13D indicating that the established or expanded entity is still under construction. This form will collect updated cost information and will be collected annually until construction is complete.

Report on Form BE-13 Claim for Exemption if the U.S. business enterprise

- (1) was contacted by BEA but does not meet the requirements for filing Forms BE-13A, BE-13B, or BE-13D; or
- (2) whether or not contacted by BEA, met all requirements for filing Forms BE-13A, BE-13B, or BE-13D except the \$3 million reporting threshold.

\*See page 9 for penalties and confidentiality statements.

## BE-13A – Instructions and Contact Information

### INSTRUCTIONS

**Monetary Values:** Report in U.S. dollars rounded to thousands (omitting 000).

EXAMPLE – If amount is \$1,334,891.00, report as.....

\$ Bil. Mil. Thous. Dols.  
1 1 335 ,000

**Percentages:** Report ownership percentages to a tenth of one percent. EXAMPLE .....

1 98 .7%

**Estimates:** If actual amounts are not available, supply estimates and specify in the notes section.

**Definitions:** Underlined terms are defined on page 11.

**Retention of copies:** Retain a copy of each BE-13 report for three years beyond the report's original due date.

Notes

### CONTACT INFORMATION

Provide information of person to consult about this report:

020	Name 1		
021	Street 1 1		
022	Street 2 1		
023	City 1	State 2	Zip 3
		Telephone Number 2 (____) ____ - ____ - ____	
		Fax Number 3 (____) ____ - ____ - ____	
		E-mail Address 4	

**NOTE:** BEA uses a Secure Messaging System to correspond with you via encrypted message to discuss questions relating to this form. We may use your e-mail address for survey-related announcements and to inform you about secure messages. When communicating with BEA by e-mail, please do not include any confidential business or personal information.

### CERTIFICATION

The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate including estimates that may have been provided.

024	Signature of Authorized Official		Date	Telephone Number 1 (____) ____ - ____ - ____	Extension 2
025	Name 1	Title 2		Fax Number 3 (____) ____ - ____ - ____	

## BE-13A – Acquisition Information

## Consolidating the Acquired U.S. Entity

**Consolidated reporting by the acquired U.S. entity (see EXAMPLE 1):** The acquired U.S. business enterprise **(A)** must file Form BE-13A on a fully consolidated domestic U.S. basis. Include in the consolidation every U.S. business enterprise **(B)** and **(C)**, proceeding down each ownership chain, whose voting interest is more than 50 percent owned by the U.S. business enterprise directly above.

**Exclude from the full consolidation** all minority-owned U.S. business enterprises **(D)** and all foreign business enterprises owned by this U.S. business enterprise; however, include them on an equity basis.

- Minority-owned U.S. business enterprises must file a Form BE-13 Claim for Exemption if the minority-owned U.S. business has not previously filed a BE-13, BE-605, BE-12, or BE-15.

Hereinafter the consolidated U.S. businesses are considered to be the 'acquired U.S. entity'.

**Business enterprise** means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and ownership of any real estate that is not held for personal use.

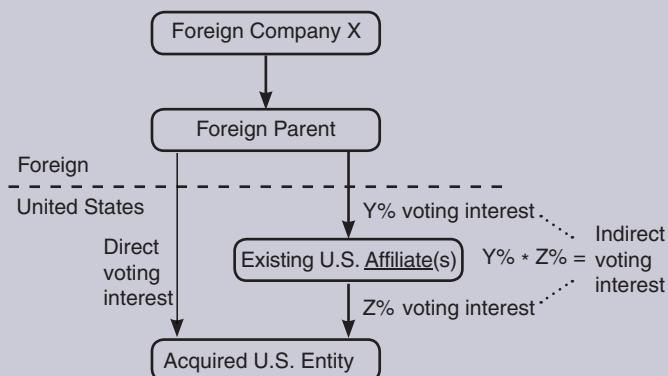
**Voting interest** is the percent of ownership in the voting securities of an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise.

## ACQUISITION INFORMATION

**1** What date did a foreign parent's direct and/or indirect voting interest (see EXAMPLE 2) in the acquired U.S. entity first reach or exceed 10 percent?

Month Day Year  
1 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## EXAMPLE 2. Direct and Indirect Voting Interest



**Foreign parent** is the FIRST entity outside the United States, proceeding up a chain of ownership, that has a 10 percent or more voting interest in the U.S. affiliate.

**Affiliate** means a business enterprise located in one country that is directly or indirectly owned or controlled by an 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 enterprise.

**2** What was the total cost to all foreign parents' affiliated foreign groups (see EXAMPLE 3) and their U.S. affiliates for the acquisition that occurred on the date reported in **1**?

\$ Bil. Mil. Thous. Dols.

- Exclude the cost to any U.S. entity that is not affiliated with any of the foreign parents.

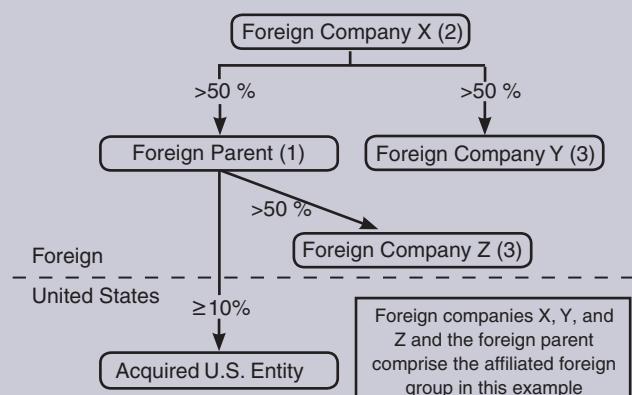
**Affiliated foreign group means:**

- Associated foreign group means:

  - (1) the foreign parent,
  - (2) any foreign entity, proceeding up the foreign parent's ownership chain, that owns more than 50 percent of the entity below it up to and including that entity which is not owned more than 50 percent by another foreign entity, and
  - (3) any foreign entity, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the entity above it.

(As used here, "entity" is synonymous with "person," as that term is used in the broad legal sense.)

**EXAMPLE 3. Affiliated Foreign Group**



## BE-13A – Acquisition Information

**3** What was the legal name of the acquired U.S. entity at the time of the acquisition?

105 1

**4** Did the acquired U.S. entity use any other names immediately before or after the acquisition?

###

<sup>1</sup>  YES - List and describe the names: 2

<sup>1</sup>  NO

**5** Were any U.S. businesses established within the last 30 days solely to facilitate the complete acquisition, and will not be dissolved?

###

<sup>1</sup>  YES - List their names: 2

<sup>1</sup>  NO

If the answer is "YES", consolidate the established entities with the acquired entity while answering the remaining questions on this BE-13A Form.

**6** What is the acquired U.S. entity's employer identification number used to file income and payroll taxes?

109 1

—

**7** Are there any U.S. business enterprises consolidated in, or owned by, the acquired U.S. entity?

120 1  Yes

<sup>1</sup>  No — SKIP to **9**

**8** What are the names, employer identification numbers, and percent of voting interest, to a tenth of one percent, of each of the U.S. business enterprises consolidated in, or owned by, the acquired U.S. entity?

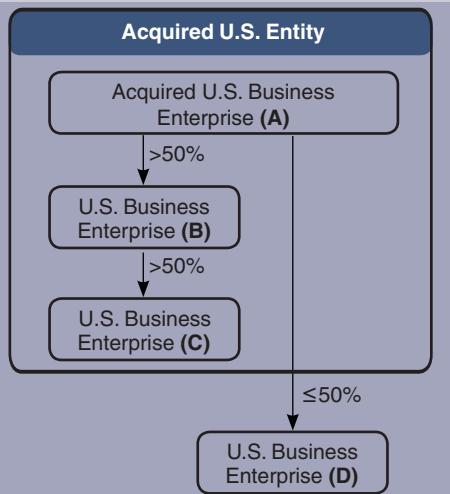
Include all U.S. business enterprises (B), (C), and (D) in EXAMPLE 4.

	Name of Each U.S. Business Enterprise	Employer Identification Number	Percent of Voting Interest
121	1	2	3 — . — %
122	1	2	3 — . — %
123	1	2	3 — . — %
124	1	2	3 — . — %
125	1	2	3 — . — %

List additional entries on a separate page, if necessary.

**EXAMPLE 4.**

(Repeated from page 3)



**Business enterprise** means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and ownership of any real estate that is not held for personal use.

**Voting interest** is the percent of ownership in the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

## BE-13A – Ownership Information

### OWNERSHIP INFORMATION FOR THE ACQUIRED U.S. ENTITY

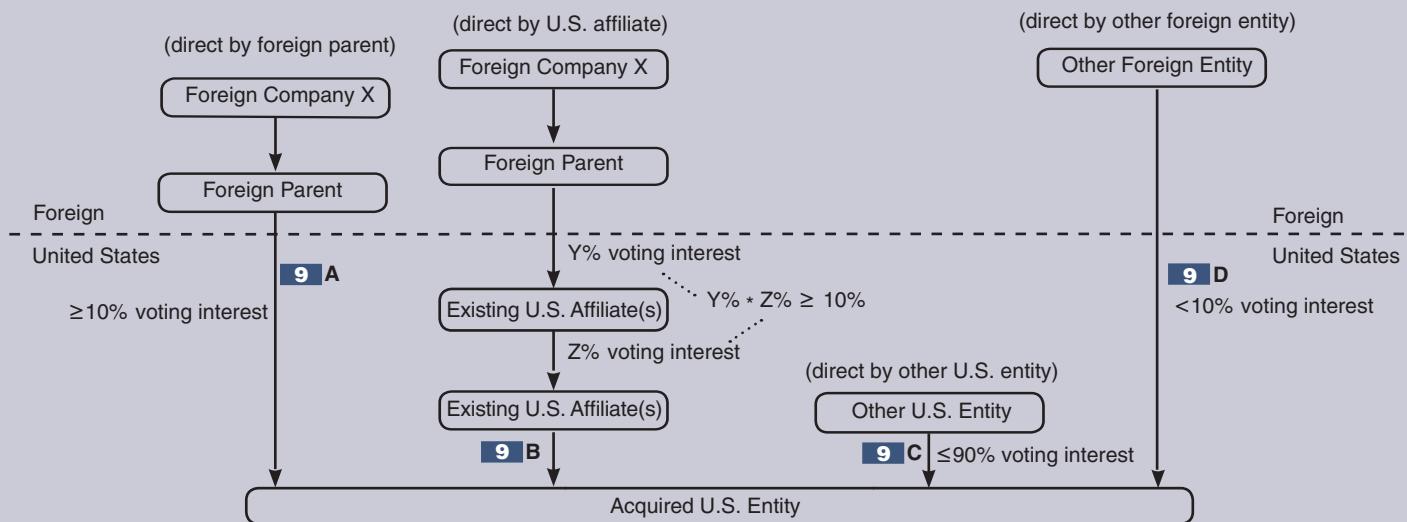
**9** What percent of voting interest in the acquired U.S. entity (see EXAMPLE 5) is held:

- A. DIRECTLY by foreign parents? ..... 150
  - B. DIRECTLY by existing U.S. affiliates of the foreign parents? ..... 151
  - C. DIRECTLY by other U.S. entities? ..... 152
  - D. DIRECTLY by other foreign entities (each holding less than 10 percent voting interest in the acquired entity)? ..... 153
- | Percent of Voting Interest |   |
|----------------------------|---|
| 1                          | % |
| 1                          | % |
| 1                          | % |
| 1                          | % |

Total of **9** A through **9** D must sum to **1 0 0 . 0** %

**EXAMPLE 5.**

Different Types of Ownership



**10** Does any one existing U.S. affiliate DIRECTLY own more than 50 percent of the voting interest in the acquired U.S. entity?

### 1  No

<sup>1</sup> 2  Yes - Please provide the legal name and address of the existing U.S. affiliate:

226	Name 1	
Street 1 3	Street 2 4	
City 5	State 6	Zip 7

**11** Does any one foreign parent DIRECTLY own at least 10 percent of the voting interest in the existing U.S. affiliate identified in **10**?

120 1  Yes  
1 2  No

Please provide an organizational chart if there are other existing U.S. affiliates in addition to the one identified above.

Number of Foreign Parents

**12** How many foreign parents (direct, and indirect through U.S. affiliates) does the acquired U.S. entity have? ..... 180

**NOTE:** If there is more than one foreign parent (direct and/or indirect), complete **13** through **29** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from [www.bea.gov/be13](http://www.bea.gov/be13).

# BE-13A – Identifying Foreign Parent Number 0 of 0

**NOTE:** If there is more than one foreign parent (direct and/or indirect), complete **13** through **29** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from [www.bea.gov/be13](http://www.bea.gov/be13).

## IDENTIFYING THE FOREIGN PARENT

### 13 What is the name of this foreign parent holding a direct or indirect voting interest in the acquired U.S. entity?

If the foreign parent is an individual, write "individual" instead of the individual's name.

201 1

### 14 What is the country of incorporation of this foreign parent?

If the foreign parent is an individual or government, provide the country of residence. -Country-

Country of Foreign Parent

BEA USE ONLY  
1  
202

### 15 What is the industry code of this foreign parent? Select the category below which best describes the PRIMARY activity of the SINGLE entity named as the foreign parent. DO NOT base the code on the worldwide sales of all consolidated subsidiaries of the foreign parent.

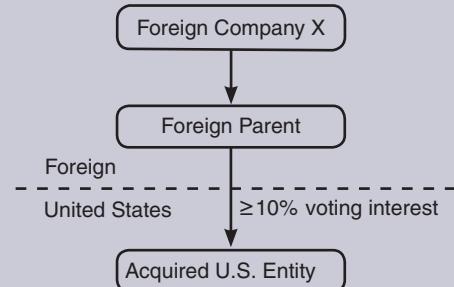
203 1 -Industry Code-

**Foreign parent** is the FIRST entity incorporated outside the United States, proceeding up a chain of ownership, that has 10 percent or more voting interest (direct or indirect) in this U.S. affiliate.

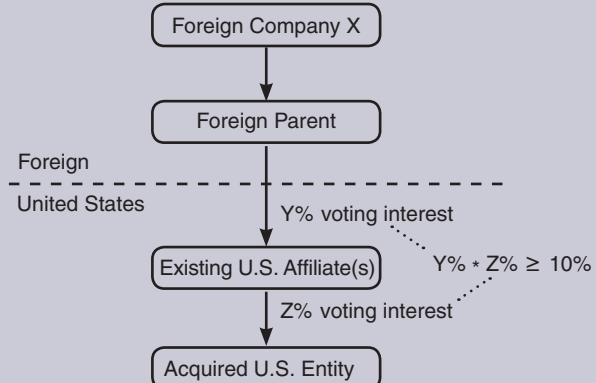
**Country of residence** for individuals who do not reside in their country of citizenship is determined using the following guidelines:

- (1) Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.
- (2) Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in (3) below.
- (3) 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 is considered a resident of the country of citizenship provided he or she intends to return within a reasonable period of time.
- (4) Individuals and members of their immediate families who reside outside their country of citizenship as a result of employment by the government of that country – diplomats, consular official, members of the armed forces, etc. – are considered to be residents of their country of citizenship.

#### EXAMPLE 6. Foreign Parent Directly Owns Acquired U.S. Entity



#### EXAMPLE 7. Foreign Parent Indirectly Owns Acquired U.S. Entity Through Existing U.S. Affiliate



# BE-13A – Identifying the Ultimate Beneficial Owner for Foreign Parent Number \_\_\_ of \_\_\_

## IDENTIFYING THE ULTIMATE BENEFICIAL OWNER (UBO)

### 16 Is this foreign parent also the ultimate beneficial owner (UBO)? (See EXAMPLES 8 and 9)

- The UBO is the entity, proceeding up the ownership chain, which is not more than 50 percent owned or controlled by another entity.
- If the foreign parent is owned or controlled more than 50 percent by another entity, then the foreign parent is NOT the UBO.

210 1  Yes — SKIP to **19**

1  No

### 17 What is the name of the ultimate beneficial owner?

If the UBO is an individual, write "individual" instead of the individual's name.

211 1

### 18 What is the country of incorporation of the ultimate beneficial owner?

If the UBO is an individual or government, provide the country of residence. . . . . -Country-

Country of UBO

BEA USE ONLY  
1  
212

### 19 What is the industry code of the ultimate beneficial owner?

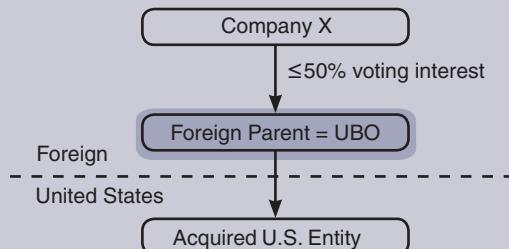
Select the category below which best reflects the consolidated worldwide sales of the UBO, including all majority-owned subsidiaries.

- If the UBO is an individual, select the category "05 - Individual."
- Do not use code 14 unless you receive permission from BEA.

213 1 -Industry Code-

**Ultimate beneficial owner** means the entity, proceeding up the ownership chain that includes the foreign parent, which is not more than 50 percent owned or controlled by another entity.

#### EXAMPLE 8. Foreign Parent is UBO



**BE-13A – Additional Information for Foreign Parent Number    of**

## PRIOR OWNERSHIP

**20** Did this foreign parent or its existing U.S. affiliates hold a direct voting interest in the acquired U.S. entity 300 1 1 Yes  
immediately prior to the acquisition date reported in **1**? 1 2 No — SKIP to **24**

**21** What was the percent of direct voting interest, to a tenth of one percent, that this foreign parent or its existing U.S. affiliates held in the acquired U.S. entity prior to the acquisition date reported in **1**? ..... 301

**22** What was the date that the voting interest reported in **21** was acquired? ..... 302 \_\_\_\_/\_\_\_\_/\_\_\_\_\_

23	What was the value of the investment this foreign parent or its existing U.S. affiliates had in the acquired U.S. entity prior to the acquisition date reported in <u>1</u> ?	\$ Bil.	Mil.	Thous.	Dols.
	Exclude the cost of the acquisition that took place on the date reported in <u>1</u> .....	1		303	,000

## CURRENT OWNERSHIP

**24** What percent of the voting interest in the acquired U.S. entity does this foreign parent hold DIRECTLY? \_\_\_\_\_ ##% \_\_\_\_\_ %

## TRANSACTION INFORMATION

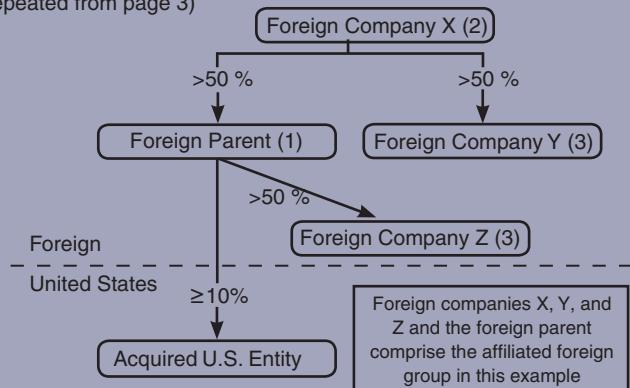
**25** What was the total cost to this foreign parent's affiliated foreign group (see EXAMPLE 10) and its U.S. affiliates for the acquisition that occurred on the date reported in **1**? ..... 320 ,000

- Include the cost of voting and non-voting equity interests.
  - Exclude the cost to any U.S. entity that is not affiliated with this foreign parent.

**EXAMPLE 10-**

### Affiliated Foreign Group

(Repeated from page 3)



**Affiliated foreign group** means:

- (1) the foreign parent,
  - (2) any foreign entity, proceeding up the foreign parent's ownership chain, that owns more than 50 percent of the entity below it up to and including that entity which is not owned more than 50 percent by another foreign entity, and
  - (3) any foreign entity, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the entity above it.

(As used here, "entity" is synonymous with "person," as that term is used in the broad legal sense.)

## DEBT AND EQUITY BETWEEN THE AFFILIATED FOREIGN GROUP (AFG) AND U.S. AFFILIATES

**For this transaction:**

**26** How much equity did this AFG invest directly in the acquired U.S. entity? . . . . . ####,000

27 How much did this AFG loan to the acquired U.S. entity? ..... ##### ,000

**28** How much equity did this AFG invest in existing U.S. affiliates? .....

**NOTE:** If there is more than one foreign parent (direct and/or indirect), complete 12 through 29 for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from [www.bea.gov/be13](http://www.bea.gov/be13).

## BE-13A – Financial and Operating Information

### FINANCIAL AND OPERATING INFORMATION

Report financial and operating information on the acquired U.S. entity for the most recently completed fiscal year. If this information is not available, estimates are acceptable but must be indicated in the notes section on page 2.

**Reminder:** The acquired U.S. entity includes the acquired U.S. business enterprise and all U.S. business enterprises, proceeding down an ownership chain from the acquired U.S. business enterprise, whose voting securities are more than 50 percent owned by the U.S. business enterprise directly above.

	Month	Day	Year
<b>30</b> What is the ending date for the most recently completed fiscal year that ended on, or before, the acquisition date reported in <b>1</b> ? .....	400	1	— / — / — — —

	\$	Bil.	Mil.	Thous.	Dols.
As of the date reported in <b>30</b> , what were the acquired U.S. entity's:					
<b>31</b> Total assets? .....	401	1	000		
<b>32</b> Total liabilities? .....	402	1	000		
<b>33</b> Total annual sales, or gross operating revenues? .....	403	1	000		
<b>34</b> Total annual net income (loss) after provision for income taxes? .....	404	1	000		

	Number of Employees
<b>35</b> What was the total number of employees of the acquired U.S. entity? .....	405
• Include all full-time and part-time employees on the payroll.	1
• Exclude contract workers and other workers not carried on the payroll.	
• If a strike, or other interruption of operations, was in progress at the end of the year, report a number that represents normal operation.	
• If the acquired U.S. entity's activity involves large seasonal variations, report a number that represents an average for the year.	

**36** What are the major activities of the acquired U.S. entity? Check all that apply.

- |     |   |                          |   |
|-----|---|--------------------------|---|
| 420 | 1 | <input type="checkbox"/> | Producer of goods   |
|     | 2 | <input type="checkbox"/> | Seller of goods it does not produce                       |
|     | 3 | <input type="checkbox"/> | Producer or distributor of information                    |
|     | 4 | <input type="checkbox"/> | Provider of services                                      |
|     | 5 | <input type="checkbox"/> | Real estate   |
|     | 6 | <input type="checkbox"/> | Other—Specify: <input style="width: 100px;" type="text"/> |

**37** What are the major products and/or services involved in the activities identified in **36** ?

If a product, also state what is done to it, i.e., whether it is mined, manufactured, sold at wholesale, transported, packaged, etc.

421 1

<b>38</b> In which state is the acquired U.S. entity located? .....	422 1 — Select State —
• If the acquired U.S. entity operates in more than one state, then select the state where the greatest number of the employees are based.	
• If there are no employees and there is no physical location, then select the state of incorporation.	
<b>39</b> What is the acquired U.S. affiliate's four-digit industry classification? Select the category below which best describes the industry classification, based on sales or gross operating revenues. (See list on page 15 or go to <a href="http://www.bea.gov/NAICS2012">www.bea.gov/NAICS2012</a> )	
423 1 — Select Industry Classification —	

**40** Does the acquired U.S. entity conduct research and development activities?

- |     |   |                          |     |
|-----|---|--------------------------|-----|
| 424 | 1 | <input type="checkbox"/> | Yes |
|     | 2 | <input type="checkbox"/> | No  |

**RETURN TO COVER PAGE FOR FILING INSTRUCTIONS**

## SURVEY INFORMATION

**Purpose:** This survey collects data on the acquisition or establishment of U.S. business enterprises by foreign investors and the expansion of existing U.S. affiliates of foreign companies to establish a new production facility. The data collected on the survey are used to measure the amount of new foreign direct investment in the United States, assess the impact on the U.S. economy, and based on this assessment, make informed policy decisions regarding foreign direct investment in the United States.

**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), hereinafter “the Act”, 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 801.

**Penalties:** Whoever fails to report may be subject to a civil penalty of not less than \$2,500, and not more than \$32,500, 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.) Civil penalties are subject to inflationary adjustments. Those adjustments are found in 15 CFR 6.4.

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.

**Respondent burden:** Public reporting burden for this BE-13A form is estimated to average 2.5 hours per response, including 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 burden, to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0035, 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.

## FOREIGN PARENT AND UBO INDUSTRY CODES

Note: “ISI codes” are International Surveys Industry codes, as given in the *Guide to Industry Classifications for International Surveys, 2012*, available at [www.bea.gov/naics2012](http://www.bea.gov/naics2012). See the Summary of Industry Classifications on page 15 of this form.

- 01 Government and government-owned or -sponsored enterprise, or quasi-government organization or agency
- 02 Pension fund — Government run
- 03 Pension fund — Privately run
- 04 Estate, trust, or nonprofit organization
- 05 Individual
- Private business enterprise, investment organization, or group engaged in:**
- 06 Insurance (ISI codes 5242, 5243, 5249)
- 07 Agriculture, forestry, fishing and hunting (ISI codes 1110–1140)
- 08 Mining (ISI codes 2111–2127)
- 09 Construction (ISI codes 2360–2380)
- 10 Transportation and warehousing (ISI codes 4810–4939)
- 11 Utilities (ISI codes 2211–2213)
- 12 Wholesale and retail trade (ISI codes 4231–4540)
- 13 Banking, including bank holding companies (ISI codes 5221 and 5229)
- 14 Holding companies, excluding bank holding companies (ISI codes 5512 and 5513)
- 15 Other finance (ISI codes 5223, 5224, 5231, 5238, that part of ISI code 5252 that is not estates and trusts, and ISI code 5331)
- 16 Real estate (ISI code 5310)
- 17 Information (ISI codes 5111–5191)
- 18 Professional, scientific, and technical services (ISI codes 5411–5419)
- 19 Other services (ISI codes 1150, 2132, 2133, 5321, 5329, and 5611–8130)
- Manufacturing, including fabricating, assembling, and processing of goods:**
- 20 Food (ISI codes 3111–3119)
- 21 Beverages and tobacco products (ISI codes 3121 and 3122)
- 22 Pharmaceuticals and medicine (ISI code 3254)
- 23 Other chemicals (ISI codes 3251–3259, except 3254)
- 24 Nonmetallic mineral products (ISI codes 3271–3279)
- 25 Primary and fabricated metal products (ISI codes 3311–3329)
- 26 Computer and electronic products (ISI codes 3341–3346)
- 27 Machinery (ISI codes 3331–3339)
- 28 Electrical equipment, appliances and components (ISI codes 3351–3359)
- 29 Motor vehicles and parts (ISI codes 3361–3363)
- 30 Other transportation equipment (ISI codes 3364–3369)
- 31 Other manufacturing (ISI codes 3130–3231, 3261, 3262, 3370–3399)
- 32 Petroleum manufacturing, including integrated petroleum and petroleum refining without extraction (ISI codes 3242–3244)

## DEFINITIONS

**Affiliate** means a business enterprise located in one country that is directly or indirectly owned or controlled by an 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 enterprise.

**Affiliated foreign group** means:

- (1) the foreign parent,
- (2) any foreign entity, proceeding up the foreign parent's ownership chain, that owns more than 50 percent of the entity below it up to and including that entity which is not owned more than 50 percent by another foreign entity; and
- (3) any foreign entity, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the entity above it.

**Associated group** means two or more entities who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. Each of the following is deemed to be an associated group:

- (1) Members of the same family,
- (2) A business enterprise and one or more of its officers and directors,
- (3) Members of a syndicate or joint venture, or
- (4) An incorporated business enterprise and its domestic subsidiaries.

**Branch** means the operations or activities conducted by an entity in a different location in its own name rather than through an incorporated entity.

**Business enterprise** means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and ownership of any real estate that is not held for personal use.

**Country of residence** for individuals who do not reside in their country of citizenship is determined using the following guidelines:

- (1) Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.
- (2) Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in (3) below.
- (3) 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 is considered a resident of the country of citizenship provided he or she intends to return within a reasonable period of time.
- (4) Individuals and members of their immediate families 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.

**Direct investment** means the ownership or control, directly or indirectly, by one entity of 10 percent or more of the voting interest in a business enterprise.

**Entity** (as used here, "entity" is synonymous with "person," as that term is used in the broad legal sense) means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any state), and any government (including a foreign government, the United States Government, a state or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

**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.

**Foreign direct investment in the United States** means the ownership or control, directly or indirectly, by one foreign investor of 10 percent or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch or partnership.

**Foreign parent** is the FIRST entity incorporated outside the United States, proceeding up a chain of ownership, that has 10 percent or more voting interest (direct or indirect) in this U.S. affiliate.

**Ultimate beneficial owner** means the entity, proceeding up the ownership chain that includes the foreign parent, which is not more than 50 percent owned or controlled by another entity.

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

**United States**, when used in a geographic sense, means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

**Voting interest** is the percent of ownership in the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

- In a **general or limited partnership**, voting interest is presumed to be divided evenly between the general partners, and limited partners are presumed to have zero voting interest, unless otherwise stated in the partnership agreement.
- In the case of a **limited liability corporation (LLC)**, voting interest is presumed to be divided equally between the members (owners), unless otherwise stated in the articles of organization or in the operating agreement.

**SUMMARY OF INDUSTRY CLASSIFICATIONS (ISI codes)**