

**MANDATORY — CONFIDENTIAL***

SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

FORM BE-13B

(Report for Establishment of a New 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 for details

Mail reports to: U.S. Department of Commerce
Bureau of Economic Analysis
Direct Investment Division, BE-49(NI)
4600 Silver Hill Rd
Washington, DC 20233

Deliver reports to: U.S. Department of Commerce Bureau of
Economic Analysis
Direct Investment Division, BE-49(NI)
4600 Silver Hill Rd
Suitland, MD 20746

Fax reports to: (301) 278-9504

Assistance: E-mail: be13@bea.gov
Telephone: (301) 278-9419
Copies of form: 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	State	Zip	
	1	2	3	
	Country			
	4			

Due date: No later than 45 calendar days after the new legal entity is established.

Who must report: A BE-13B report must be filed by a U.S. business enterprise when 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).

INCLUDE:

- Creation of a new legal entity whether incorporated or unincorporated, including a branch.
- Construction of real estate intended for lease or sale. If the construction is for purposes of an expansion see the instructions for reporting as an expansion on Form BE-13D.
- Creation of a new legal entity even if it does not have physical operations.

EXCLUDE:

- Purchase of U.S. real estate that is intended for lease or sale without significant added construction. This is deemed to be an acquisition of a U.S. business enterprise and should be reported on Form BE-13A.
- The creation of a holding company that is being set up with less than \$60 million, solely to acquire at least one target company within 180 days, and then will be dissolved.
- Establishment of a new legal entity created for the sole purpose of acquiring a single entity within 30 days after the establishment. Consolidate the new legal entity with the acquired entity in a single report on the BE-13A.

Alternate forms:

Report on Form BE-13A if a foreign entity acquires a voting interest (directly, or indirectly through an existing U.S. affiliate) in an existing U.S. business 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.

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 and BEA contacts the business for a Form BE-13E. The form collects updated project information and will be collected annually until the establishment or expansion project 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 13 for penalties and confidentiality statements.

BE-13B – 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

_ 9 8 . 7 %

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

Definitions: Selected items are defined on page 12.

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	Telephone Number 2 (_ _ _) _ _ - _ _ _ _		Extension 3	
022	Street 2 1	Fax Number 2 (_ _ _) _ _ - _ _ _ _			
023	City 1	State 2	Zip 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-13B – New U.S. Business Enterprise Information

NEW U.S. BUSINESS ENTERPRISE INFORMATION

1 Is the new U.S. business enterprise a holding company?

A holding company is one whose primary activity is holding the securities of other companies.

¹⁰⁰ ¹ Yes – Select every statement below that applies to the new U.S. business enterprise (**holding company**):

- ² A It is being set up solely for the purpose of acquiring or establishing at least one other U.S. business enterprise.
- ³ B The initial capitalization, including debt and equity, of the **holding company** is \$60 million or less.
- ⁴ C The acquisition or establishment is occurring within 180 days of the creation of the **holding company**.
- ⁵ D The **holding company** will be dissolved after the acquisition or establishment.

If all four options A-D were selected, then the new U.S. business enterprise (**holding company**) can file a Form BE-13 Claim for Exemption instead of completing the rest of this form.

- ⁶ E The new U.S. business enterprise (**holding company**) was established solely to make a single acquisition within 30 days. Do not file this Form BE-13B. Report the acquisition on a single Form BE-13A.

¹ ² No

Month Day Year

¹ ___ / ___ / _____

2 What date was the new U.S. business enterprise established? ¹⁰¹

\$ Bil. Mil. Thous. Dols.

3 What is the total expected cost to all foreign parents' affiliated foreign groups (see EXAMPLE 1) and their U.S. affiliates to set up the new U.S. business enterprise? ¹⁰²

¹ _____,000

INCLUDE:

- Actual expenditures from past years and expected expenditures for current and future years
- The cost of voting and non-voting equity interests.

EXCLUDE:

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

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.

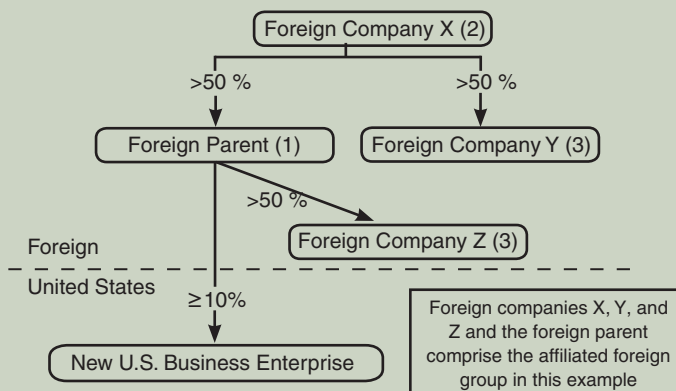
(As used here, "entity" is synonymous with "person," as that term is used in the broad legal sense.)

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.

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.

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).

EXAMPLE 1. Affiliated Foreign Group



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.

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.

BE-13B – New U.S. Business Enterprise Information

4 What is the legal name of the new U.S. business enterprise?

105 1 _____

5 What is the employer identification number of the new U.S. business enterprise used to file income and payroll taxes?

109 Primary 1 _____ - _____
 Other 2 _____ - _____

6 Is the address of the new U.S. business enterprise different from the address on the cover page?

500 1 Yes – Provide address:
 1 2 No

	Name	2 _____		
	Street 1	1	Street 2	2
501	City	1	State	2
502			Zip	3

OWNERSHIP INFORMATION FOR THE NEW U.S. BUSINESS ENTERPRISE

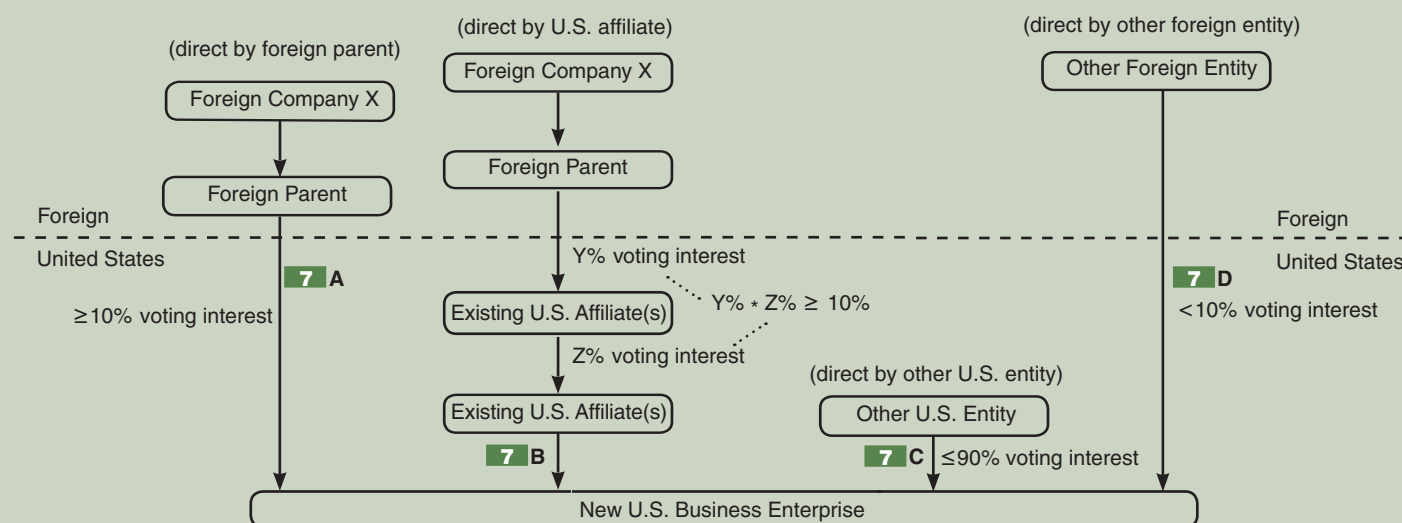
7 What percent of voting interest of the new U.S. business enterprise (see EXAMPLE 2) is held:

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

Total of 7 A through 7 D must sum to 100.0%

EXAMPLE 2.

Different Types of Ownership



8 Is the percent of voting interest owned directly by existing U.S. affiliates of the foreign parents, reported in 7 B, greater than zero?

1 YES - CONTINUE to question 9
 1 2 NO - SKIP to question 13

BE-13A – Identifying the Existing U.S. Affiliates

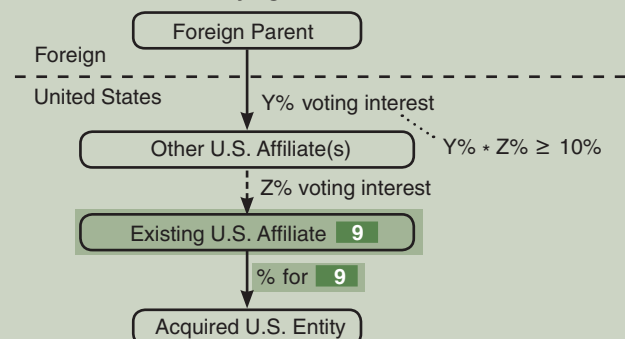
IDENTIFYING THE EXISTING U.S. AFFILIATES

	9		10
	9		10
	What are the names of the existing U.S. affiliates that directly own voting interest in the acquired U.S. entity, and how much? (See EXAMPLES 3 & 4)		Proceeding up the ownership chain for each existing U.S. affiliate listed in 9 , what is the name of the FIRST U.S. affiliate that is either (1) not owned more than 50 percent by another U.S. entity or (2) is owned at least 10 percent DIRECTLY by a foreign parent? (See EXAMPLES 5 & 6)
251	1	2	3
		_____ %	
252	1	2	3
		_____ %	
253	1	2	3
		_____ %	
254	1	2	3
		_____ %	
255	1	2	3
		_____ %	
256	1	2	3
		_____ %	

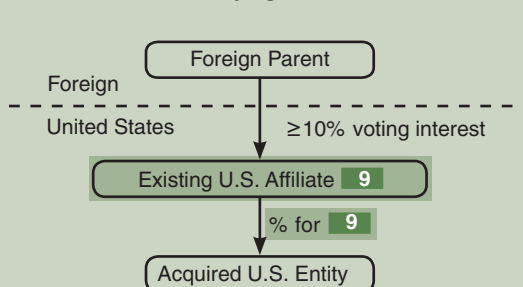
List additional entries on a separate page, if necessary.

Please provide an organizational chart if there are other U.S. affiliates in addition to those listed above, in any ownership chain.

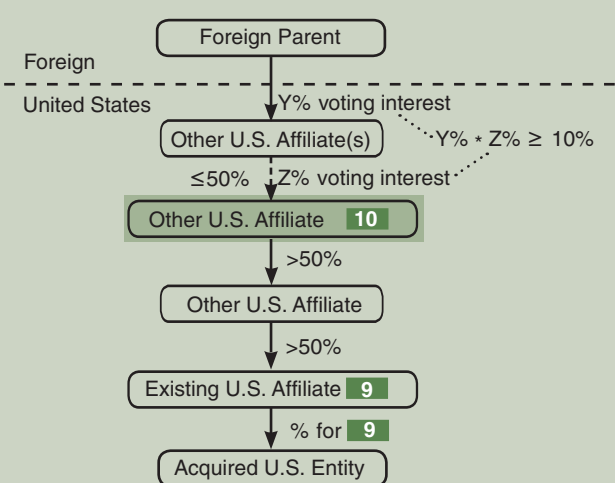
EXAMPLE 3. Identifying the U.S. Affiliates for 9



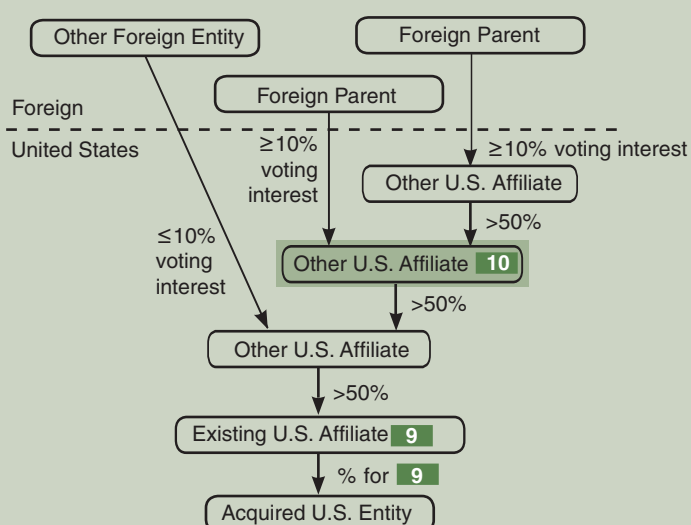
EXAMPLE 4. Identifying the U.S. Affiliates for 9



EXAMPLE 5. Identifying the U.S. Affiliate for 10



EXAMPLE 6. Identifying the U.S. Affiliate for 10



BE-13A – Identifying the Existing U.S. Affiliates

IDENTIFYING THE EXISTING U.S. AFFILIATES

11 What are the addresses of each of the U.S. affiliates listed in **10**? Please also specify for each U.S. affiliate if there is a foreign parent that owns it indirectly through another U.S. affiliate.

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

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

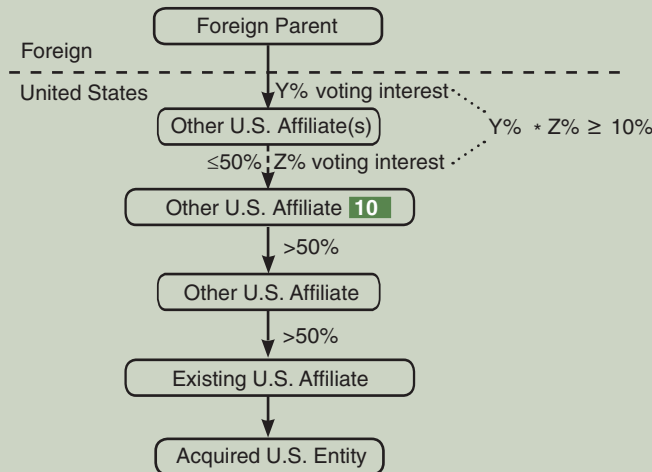
228	Name 1	
	Street 1 3	Street 2 4
		City 5
		State 6
		Zip 7

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

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

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

EXAMPLE 7. Identifying the Affiliates



Number of
Foreign Parents

12 How many foreign parents (direct, and indirect through U.S. affiliates) does the acquired U.S. entity have? 180 1

NOTE: If there is more than one foreign parent (direct and/or indirect), complete **13** through **32** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from www.bea.gov/be13.

BE-13B – Identifying Foreign Parent Number of 0 and Its Ultimate Beneficial Owner

NOTE: If there is more than one foreign parent (direct and/or indirect) complete **13** through **24** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from 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 new U.S. business enterprise?

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

201 Name
1

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

If the foreign parent is an individual or government, enter the country of residence.

Country of Foreign Parent

-Country-

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.

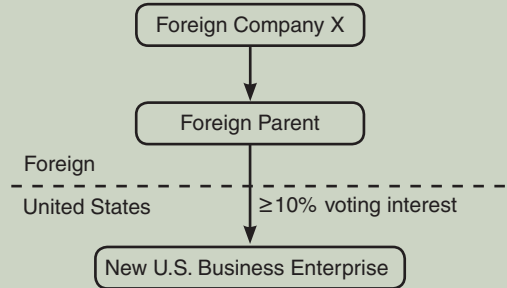
203 1 — Select Industry Code —

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.

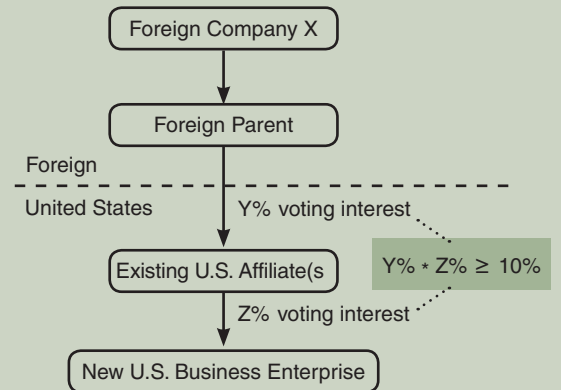
Country of residence for individuals who do not reside in their country of citizenship is determined using the following guidelines:

- (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 8. Foreign Parent Directly Owns New U.S. Business Enterprise



EXAMPLE 9. Foreign Parent Indirectly Owns New U.S. Business Enterprise Through Existing U.S. Affiliate



IDENTIFYING THE ULTIMATE BENEFICIAL OWNER (UBO)

16 Is this foreign parent also the ultimate beneficial owner (UBO)? (See EXAMPLES 3 and 4)

- 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 1 Yes — SKIP to **19**
 1 2 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 Name

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 of UBO -Country- 212

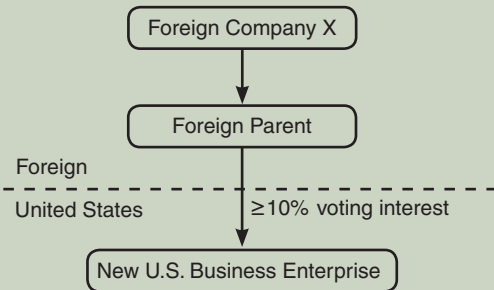
BEA USE ONLY
1

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

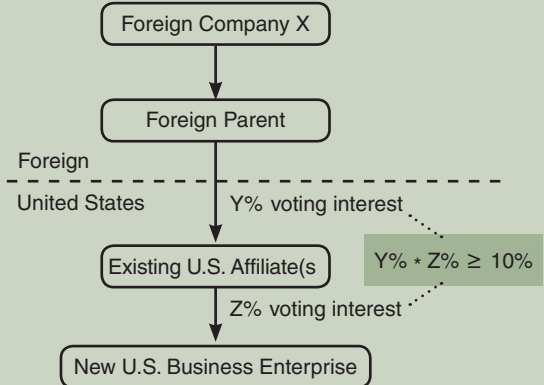
Select the category below which best reflects the consolidated worldwide sales of the UBO, including all majority-owned subsidiaries.

213 1 — Select Industry Code —

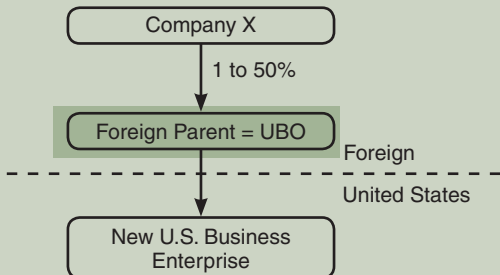
EXAMPLE 10. Foreign Parent Directly Owns New U.S. Business Enterprise



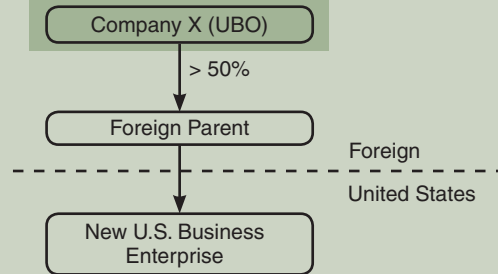
EXAMPLE 11. Foreign Parent Indirectly Owns New U.S. Business Enterprise Through Existing U.S. Affiliate



EXAMPLE 12. Foreign Parent is UBO



EXAMPLE 13. Foreign Parent is Not UBO



ESTABLISHMENT INFORMATION

20 What is the total expected cost to this foreign parent’s affiliated foreign group (see EXAMPLE 14) and its U.S. affiliates to establish the new U.S. business enterprise? 320 \$ Bil. Mil. Thous. Dols. ,000

INCLUDE:

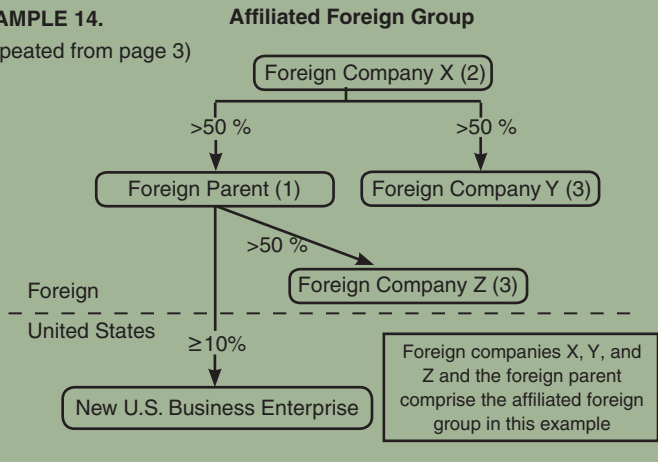
- Actual expenditures from past years and expected expenditures for current and future years.
- The cost of voting and non-voting equity interests.

EXCLUDE:

- The cost to any U.S. entity that is not affiliated with this foreign parent.

EXAMPLE 14.

(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.)

CROSS-BORDER INTERCOMPANY DEBT AND EQUITY

For the establishment of the new U.S. business enterprise:

21 How much cash or equity did the AFG invest directly in the new U.S. business enterprise?### \$ Bil. Mil. Thous. Dols. ,000

22 How much did the AFG loan directly to the new U.S. business enterprise?### ,000

23 How much cash or equity did the AFG invest in the existing U.S. affiliates?### ,000

24 How much did the AFG loan to the existing U.S. affiliates?### ,000

NOTE: If there is more than one foreign parent (direct and/or indirect) complete **13** through **24** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from www.bea.gov/be13.

BE-13B – Financial and Operating Information

FINANCIAL AND OPERATING INFORMATION FOR THE NEW U.S. BUSINESS ENTERPRISE

- Report projections for the first fiscal year of operations.
- Use projections made in the course of planning the investment if available; otherwise give best estimate.
- If the first fiscal year is less than 12 months, provide annualized numbers for **28** and **29**.

Month Day Year

25 What is the ending date for the new U.S. business enterprise's first fiscal year of operations? 400

1

As of the date reported in **25**, what are the new U.S. business enterprise's projected totals of:

\$ Bil. Mil. Thous. Dols.

26 Assets? 401

1
 ,000

27 Liabilities? 402

1
 ,000

28 Annual sales, or gross operating revenues? 403

1
 ,000

29 Annual net income (loss) after provision for income taxes? 404

1
 ,000

Projected Number
of Employees

30 What is the projected number of employees of the new business enterprise when it is fully operating? 405

1

- Include all full-time and part-time employees expected to be on the payroll.
- Exclude contract workers and other workers not expected to be carried on the payroll.
- If the new U.S. business enterprise's activity will involve large seasonal variations, report a number that represents an average over a year.

Current Number
of Employees

31 How many employees did the new U.S. business enterprise have at the time of this filing? 506

1

- Include all full-time and part-time employees on the payroll.
- Exclude contract workers and other workers not carried on the payroll.

32 What will be the major activities of the new U.S. business enterprise when it is fully operating? Check all that apply.

- | | | | | | |
|-----|---|---|---|---|---|
| 420 | 1 | <input type="checkbox"/> Producer of goods | 4 | 4 | <input type="checkbox"/> Seller of goods it does not produce |
| | 2 | <input type="checkbox"/> Provider of services | 5 | 5 | <input type="checkbox"/> Producer or distributor of information |
| | 3 | <input type="checkbox"/> Real estate | 6 | 6 | <input type="checkbox"/> Other—Specify: 7 |

7

33 What are the major products and/or services involved in the activities identified in **32**?

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

1
 — Select State —

34 In what state is the new U.S. business enterprise located? 422

- If the new U.S. business enterprise operates in more than one state, then select the state where the largest number of employees are based.
- If there are no employees and no physical location, then select the state of incorporation.

35 What will be the new U.S. business enterprise's four-digit industry classification?

Select the category below which best describes the industry classification, based on sales or gross operating revenues.

(See page 12 for list or go to www.bea.gov/NAICS2012)

423 1

36 Will the new U.S. business enterprise conduct research and development activities when it is fully operating? 424

1 Yes
 2 No

BE-13B – Project Information

PROJECT INFORMATION

37 Is the new U.S. business enterprise currently under construction?

508

- 1 Yes
- 1 No, construction has yet to begin
- 1 No, construction is complete – Provide completion date:
- 1 No, the project has been canceled
- 1 No, construction is not required for this project

Month	Day	Year
2		____ / ____ / _____

For **38** and **39**, break down the total expected cost to set up the new U.S. business enterprise by type and by fiscal year.

\$ Bil. Mil. Thous. Dols.

Total expected cost reported in **3**

1		,000
---	--	------

38 How much of the total expected cost to set up the new U.S. business enterprise is for:

\$ Bil. Mil. Thous. Dols.

A. Land? 510

1		,000
---	--	------

B. Property, plant, and equipment? Exclude land. 512

1		,000
---	--	------

C. Intellectual property rights? 514

1		,000
---	--	------

D. Fees, taxes, permits, licenses? 515

1		,000
---	--	------

E. Other costs? Describe in notes section on page 2. 516

1		,000
---	--	------

Sum of **38 A** through **38 E** (this should match the total expected cost): 517

1	0,000	
---	-------	--

The difference between the total from **3** and the sum of **38 A** through **38 E** is currently:

1	0,000	
---	-------	--

39 In which fiscal years will the total expected cost be incurred and how much each year?

- Do not include operating leases.
- Provide actual cash or in-kind outlays, not depreciation.

Fiscal Year \$ Bil. Mil. Thous. Dols.

550	1	- Year -	,000
-----	---	----------	------

551	1	- Year -	,000
-----	---	----------	------

552	1	- Year -	,000
-----	---	----------	------

553	1	- Year -	,000
-----	---	----------	------

554	1	- Year -	,000
-----	---	----------	------

555	1	- Year -	,000
-----	---	----------	------

556	1	- Year -	,000
-----	---	----------	------

556	1	- Year -	,000
-----	---	----------	------

556	1	- Year -	,000
-----	---	----------	------

556	1	- Year -	,000
-----	---	----------	------

556	1	- Year -	,000
-----	---	----------	------

NOTE: BEA will request updated project information each year until the project is complete.

RETURN TO COVER PAGE FOR FILING INSTRUCTIONS

BE-13B – 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 are 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.

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 geographical 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.

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-13B form is estimated to average 2.2 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. See the Summary of Industry Classifications on page 12 of this form.

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| 01 Government and government-owned or -sponsored enterprise, or quasi-government organization or agency | 17 Information (ISI codes 5111–5191) |
| 02 Pension fund — Government run | 18 Professional, scientific, and technical services (ISI codes 5411–5419) |
| 03 Pension fund — Privately run | 19 Other services (ISI codes 1150, 2132, 2133, 5321, 5329, and 5611–8130) |
| 04 Estate, trust, or nonprofit organization | Manufacturing, including fabricating, assembling, and processing of goods: |
| 05 Individual | 20 Food (ISI codes 3111–3119) |
| Private business enterprise, investment organization, or group engaged in: | 21 Beverages and tobacco products (ISI codes 3121 and 3122) |
| 06 Insurance (ISI codes 5242, 5243, 5249) | 22 Pharmaceuticals and medicine (ISI code 3254) |
| 07 Agriculture, forestry, fishing and hunting (ISI codes 1110–1140) | 23 Other chemicals (ISI codes 3251–3259, except 3254) |
| 08 Mining (ISI codes 2111–2127) | 24 Nonmetallic mineral products (ISI codes 3271–3279) |
| 09 Construction (ISI codes 2360–2380) | 25 Primary and fabricated metal products (ISI codes 3311–3329) |
| 10 Transportation and warehousing (ISI codes 4810–4939) | 26 Computer and electronic products (ISI codes 3341–3346) |
| 11 Utilities (ISI codes 2211–2213) | 27 Machinery (ISI codes 3331–3339) |
| 12 Wholesale and retail trade (ISI codes 4231–4540) | 28 Electrical equipment, appliances and components (ISI codes 3351–3359) |
| 13 Banking, including bank holding companies (ISI codes 5221 and 5229) | 29 Motor vehicles and parts (ISI codes 3361–3363) |
| 14 Holding companies, excluding bank holding companies (ISI codes 5512 and 5513) | 30 Other transportation equipment (ISI codes 3364–3369) |
| 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) | 31 Other manufacturing (ISI codes 3130–3231, 3261, 3262, 3370–3399) |
| 16 Real estate (ISI code 5310) | 32 Petroleum manufacturing, including integrated petroleum and petroleum refining without extraction (ISI codes 3242–3244) |

SUMMARY OF INDUSTRY CLASSIFICATIONS (ISI codes)