

**MANDATORY — CONFIDENTIAL**

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

### FORM BE-13 Claim for Exemption

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

**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](mailto:be13@bea.gov)  
Telephone: (301) 278-9419  
Copies of form: [www.bea.gov/be13](http://www.bea.gov/be13)

**Definitions:** Selected terms are defined on page 2.

**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		

Who must report:	Due Date:
A U.S. business enterprise, whether or not contacted by BEA, that met all requirements for filing forms BE-13A, BE-13B, or BE-13D except the \$3 million reporting threshold	No later than 45 calendar days after the transaction occurred
A U.S. business enterprise that was contacted by BEA but does not meet the requirements for filing forms BE-13A, BE-13B, or BE-13D	No later than 45 calendar days after contacted by BEA

**Purpose:** The BE-13 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-13 Claim for Exemption form is estimated to average 15 minutes 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, Washington, DC 20230; 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.

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**Who must report:** A BE-13 Claim for Exemption must be filed if a 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 (due no later than 45 calendar days after contact by BEA);

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 (due no later than 45 calendar days after the transaction).

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(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.

**Due Date:** No later than 45 calendar days (1) after contacted by BEA or (2) after the transaction occurred.

**Purpose:** The BE-13 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.

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## BE-13 Claim for Exemption

### 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, including a branch.

**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.

**Entity** is synonymous with "person," as that term is used in the broad legal sense, and 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 parent** means 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 the U.S. affiliate.

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

**U.S. affiliate** means an affiliate located in the United States.

**Unites 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.

### 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-13 Claim for Exemption

**1** Why is this U.S. business enterprise filing a claim for exemption from forms BE-13A, BE-13B, and BE-13D? Mark (X) one:

050

<sup>1</sup>  This U.S. business enterprise was contacted by BEA; however, there is no reporting requirement because there was no acquisition, establishment, or expansion by a foreign entity OR because a transaction occurred but did not result in a direct investment relationship.

<sup>1</sup>  This U.S. business enterprise was contacted by BEA; however, the acquisition that occurred is not required to be reported since it represents U.S. real estate acquired and held exclusively for personal use and not for profit making purposes.

- 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.

<sup>1</sup>  This U.S. business enterprise was contacted by BEA; however, the acquisition that occurred is not required to be reported since it involves the acquisition of voting interest in an existing U.S. affiliate in which a foreign entity already owns 10 percent or more, directly or indirectly.

What is the BEA ID number, if known, used to file the BE-605, BE-12, or BE-15 forms for this existing U.S. affiliate? .....

<sup>2</sup>

<sup>1</sup>  This U.S. business enterprise was contacted by BEA; however, this new U.S. business enterprise is a holding company, AND is being set up solely for the purpose of acquiring or establishing at least one other U.S. business enterprise, AND the initial capitalization, including debt and equity, of the holding company is \$60 million or less, AND the acquisition or establishment will occur within 180 days of the creation of the holding company, AND the holding company will be dissolved after the acquisition or establishment.

NOTE: A BE-13 form will be required when the holding company acquires or establishes a U.S. business enterprise.

<sup>1</sup>

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-  
-  
-  
-  
-  
-  
-----  
PLACEHOLDER for private fund exemption

<sup>1</sup>  This U.S. business enterprise has not previously filed a BE-13, BE-605, BE-12, or BE-15 AND the voting interest in this U.S. business enterprise is owned to the extent of 50 percent or less by another U.S. business enterprise that is subject to the filing requirements of the BE-13A.

What is the name of the U.S. business enterprise that is filing the BE-13A?

051 Name  
<sup>1</sup>

PROCEED to question **2**.

<sup>1</sup>  The total cost of the acquisition, establishment, or expansion is \$3 million or less. The "total cost" consists of all actual and expected costs to all foreign parents' affiliated foreign groups and their U.S. affiliates, including costs funded through debt.

PROCEED to question **2**.

If your answer to question **1** is 6 or 7, complete questions **2** through **12**.

If your answer to question **1** is 1, 2, 3, 4, or 5, you have completed this form. RETURN TO COVER PAGE FOR FILING INSTRUCTIONS

# BE-13 Claim for Exemption

Month    Day    Year

1

**2** What date was the acquisition completed, the new legal entity established, or the expansion begun? . . . . .101

**3** Which type of transaction occurred? (See "Which BE-13 form do I file?" on [www.bea.gov/be13](http://www.bea.gov/be13) for more information.) Mark (X) one:

<sup>052</sup> <sup>1</sup> **A**  Acquisition of a U.S. business enterprise, segment, or operating unit that remains a separate U.S. affiliate.  
*When answering the following questions, report for the most recently completed fiscal year that ended on, or before, the acquisition date.*

*PROCEED* to question **4**.

<sup>1</sup> **B**  Establishment of a new U.S. affiliate.  
*When answering the following questions, report projections for the end of the first fiscal year of operations.*

*PROCEED* to question **4**.

<sup>1</sup> **D**  Expansion of an existing U.S. affiliate.  
*When answering the following questions, report projections for the end of the first fiscal year of operations. Include only the data that pertain to the expansion, NOT the entire U.S. affiliate.*

*SKIP* to and complete only question **6**, and **8** through **12**.

## FINANCIAL AND OPERATING INFORMATION

As of the date referenced in **2**, what were the U.S. affiliate's:

		\$ Bil.	Mil.	Thous.	Dols.
<b>4</b> Total assets? . . . . .	401	1			,000
<b>5</b> Total liabilities? . . . . .	402	1			,000
<b>6</b> Total sales, or gross operating revenues? . . . . .	403	1			,000
<b>7</b> Total net income (loss) after provision for income taxes? . . . . .	404	1			,000

Number of Employees

1

**8** What is the number of employees of the newly acquired or established entity, or expansion, when fully operating? . . . . .405

- Include all full-time and part-time employees on the payroll
- 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 business enterprises' activity involves large seasonal variations, report a number that represents an average for the year.

**9 What is the 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 5 or go to [www.bea.gov/NAICS2012](http://www.bea.gov/NAICS2012))

423 1

**10 In which country is the U.S. affiliate's foreign parent incorporated?**

If the U.S. affiliate has more than one foreign parent, choose the country for the foreign parent with greatest control of the U.S. affiliate.  
(See EXAMPLES below and definition on page 2)

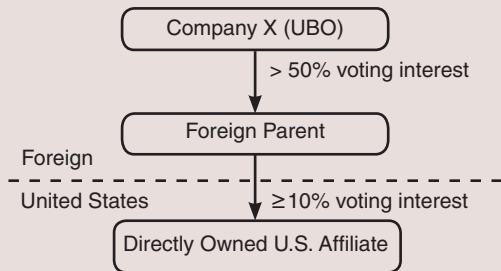
1  
202

**11 In which country is the U.S. affiliate's ultimate beneficial owner (UBO) incorporated?**

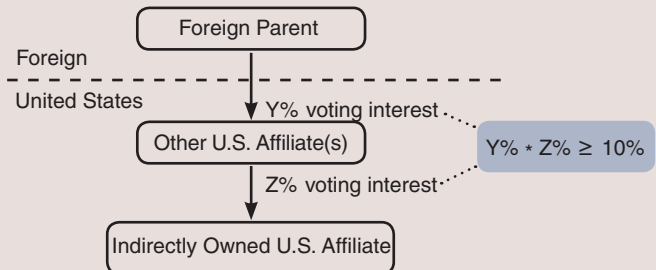
(See EXAMPLE 1 below and definition on page 2)

1  
212

**EXAMPLE 1.**  
Foreign Parent and Ultimate Beneficial Owner



**EXAMPLE 2.**  
Foreign Parent Indirectly Owns U.S. Affiliate



**12 In which state is the newly acquired or established entity, or expansion, located?**

- If the 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.

422 1

## SUMMARY OF INDUSTRY CLASSIFICATIONS

### Agriculture, Forestry, Fishing, and Hunting

1110 Crop production  
 1120 Animal production  
 1130 Forestry and logging  
 1140 Fishing, hunting, and trapping  
 1150 Support activities for agriculture and forestry

### Mining

2111 Oil and gas extraction  
 2121 Coal  
 2123 Nonmetallic minerals  
 2124 Iron ores  
 2125 Gold and silver ores  
 2126 Copper, nickel, lead, and zinc ores  
 2127 Other metal ores  
 2132 Support activities for oil and gas operations  
 2133 Support activities for mining, except for oil and gas operations

### Utilities

2211 Electric power generation, transmission, and distribution  
 2212 Natural gas distribution  
 2213 Water, sewage, and other systems

### Construction

2360 Construction of buildings  
 2370 Heavy and civil engineering construction  
 2380 Specialty trade contractors

### Manufacturing

3111 Animal foods  
 3112 Grain and oilseed milling  
 3113 Sugar and confectionery products  
 3114 Fruit and vegetable preserving and specialty foods  
 3115 Dairy products  
 3116 Meat products  
 3117 Seafood product preparation and packaging  
 3118 Bakeries and tortillas  
 3119 Other food products  
 3121 Beverages  
 3122 Tobacco  
 3130 Textile mills  
 3140 Textile product mills  
 3150 Apparel  
 3160 Leather and allied products  
 3210 Wood products  
 3221 Pulp, paper, and paperboard mills  
 3222 Converted paper products  
 3231 Printing and related support activities  
 3242 Integrated petroleum refining and extraction  
 3243 Petroleum refining without extraction  
 3244 Asphalt and other petroleum and coal products  
 3251 Basic chemicals  
 3252 Resins, synthetic rubbers, and artificial and synthetic fibers and filaments  
 3253 Pesticides, fertilizers, and other agricultural chemicals  
 3254 Pharmaceuticals and medicines  
 3255 Paints, coatings, and adhesives  
 3256 Soap, cleaning compounds, and toilet preparations  
 3259 Other chemical products and preparations  
 3261 Plastics products  
 3262 Rubber products  
 3271 Clay products and refractories  
 3272 Glass and glass products  
 3273 Cement and concrete products  
 3274 Lime and gypsum products  
 3279 Other nonmetallic mineral products  
 3311 Iron and steel mills and ferroalloys  
 3312 Steel products from purchased steel  
 3313 Alumina and aluminum production and processing  
 3314 Nonferrous metal (except aluminum) production and processing  
 Foundries  
 3321 Forging and stamping  
 3322 Cutlery and handtools  
 3323 Architectural and structural metals  
 3324 Boilers, tanks, and shipping containers  
 3325 Hardware  
 3326 Spring and wire products  
 3327 Machine shops; turned products; and screws, nuts, and bolts  
 3328 Coating, engraving, heat treating, and allied activities  
 3329 Other fabricated metal products  
 3331 Agriculture, construction, and mining machinery  
 3332 Industrial machinery  
 3333 Commercial and service industry machinery

3334 Ventilation, heating, air-conditioning, and commercial refrigeration equipment  
 3335 Metalworking machinery  
 3336 Engines, turbines, and power transmission equipment  
 3339 Other general purpose machinery  
 3341 Computer and peripheral equipment  
 3342 Communications equipment  
 3343 Audio and video equipment  
 3344 Semiconductors and other electronic components  
 3345 Navigational, measuring, electromedical, and control instruments  
 3346 Manufacturing and reproducing magnetic and optical media  
 3351 Electric lighting equipment  
 3352 Household appliances  
 3353 Electrical equipment  
 3359 Other electrical equipment and components  
 3361 Motor vehicles  
 3362 Motor vehicle bodies and trailers  
 3363 Motor vehicle parts  
 3364 Aerospace products and parts  
 3365 Railroad rolling stock  
 3366 Ship and boat building  
 3369 Other transportation equipment  
 3370 Furniture and related products  
 3391 Medical equipment and supplies  
 3399 Other miscellaneous manufacturing

### Wholesale Trade, Durable Goods

4231 Motor vehicles and motor vehicle parts and supplies  
 4232 Furniture and home furnishing  
 4233 Lumber and other construction materials  
 4234 Professional and commercial equipment and supplies  
 4235 Metal and mineral (except petroleum)  
 4236 Electrical and electronic goods  
 4237 Hardware, and plumbing and heating equipment and supplies  
 4238 Machinery, equipment, and supplies  
 4239 Miscellaneous durable goods

### Wholesale Trade, Nondurable Goods

4241 Paper and paper product  
 4242 Drugs and druggists' sundries  
 4243 Apparel, piece goods, and notions  
 4244 Grocery and related product  
 4245 Farm product raw material  
 4246 Chemical and allied products  
 4247 Petroleum and petroleum products  
 4248 Beer, wine, and distilled alcoholic beverage  
 4249 Miscellaneous nondurable goods

### Wholesale Trade, Electronic Markets and Agents and Brokers

4251 Wholesale electronic markets and agents and brokers

### Retail Trade

4410 Motor vehicle and parts dealers  
 4420 Furniture and home furnishings  
 4431 Electronics and appliance  
 4440 Building material and garden equipment and supplies dealers  
 4450 Food and beverage  
 4461 Health and personal care  
 4471 Gasoline stations  
 4480 Clothing and clothing accessories  
 4510 Sporting goods, hobby, book, and music  
 4520 General merchandise  
 4530 Miscellaneous store retailers  
 4540 Nonstore retailers

### Transportation and Warehousing

4810 Air transportation  
 4821 Rail transportation  
 4833 Petroleum tanker operations  
 4839 Other water transportation  
 4840 Truck transportation  
 4850 Transit and ground passenger transportation  
 4863 Pipeline transportation of crude oil, refined petroleum products, and natural gas  
 4868 Other pipeline transportation  
 4870 Scenic and sightseeing transportation  
 4880 Support activities for transportation  
 4920 Couriers and messengers  
 4932 Petroleum storage for hire  
 4939 Other warehousing and storage

### Information

5111 Newspaper, periodical, book, and directory publishers  
 5112 Software publishers  
 5121 Motion picture and video industries  
 5122 Sound recording industries  
 5151 Radio and television broadcasting

5152 Cable and other subscription programming  
 5171 Wired telecommunications carriers  
 5172 Wireless telecommunications carriers, except satellite  
 5174 Satellite telecommunications  
 5179 Other telecommunications  
 5182 Data processing, hosting, and related services  
 5191 Other information services

### Finance and Insurance

5221 Depository credit intermediation (Banking)  
 5223 Activities related to credit intermediation  
 5224 Nondepository credit intermediation  
 5229 Nondepository branches and agencies  
 5231 Securities and commodity contracts intermediation and brokerage  
 5238 Other financial investment activities and exchanges  
 5242 Agencies, brokerages, and other insurance related activities  
 5243 Insurance carriers, except life insurance carriers  
 5249 Life insurance carriers  
 5252 Funds, trusts, and other financial vehicles

### Real Estate and Rental and Leasing

5310 Real estate  
 5321 Automotive equipment rental and leasing  
 5329 Other rental and leasing services  
 5331 Lessors of nonfinancial intangible assets, except copyrighted works

### Professional, Scientific, and Technical Services

5411 Legal services  
 5412 Accounting, tax preparation, bookkeeping, and payroll services  
 5413 Architectural, engineering, and related services  
 5414 Specialized design services  
 5415 Computer systems design and related services  
 5416 Management, scientific, and technical consulting services  
 5417 Scientific research and development services  
 5418 Advertising, public relations, and related services  
 5419 Other professional, scientific, and technical services

### Management of Companies and Enterprises

5512 Holding companies, except bank holding companies  
 5513 Corporate, subsidiary, and regional management offices

### Administrative and Support and Waste Management and Remediation Services

5611 Office administrative services  
 5612 Facilities support services  
 5613 Employment services  
 5614 Business support services  
 5615 Travel arrangement and reservation services  
 5616 Investigation and security services  
 5617 Services to buildings and dwellings  
 5619 Other support services  
 5620 Waste management and remediation services

### Educational Services

6110 Educational services

### Health Care and Social Assistance

6210 Ambulatory health care services  
 6220 Hospitals  
 6230 Nursing and residential care facilities  
 6240 Social assistance

### Arts, Entertainment, and Recreation

7110 Performing arts, spectator sports, and related industries  
 7121 Museums, historical sites, and similar institutions  
 7130 Amusement, gambling, and recreation industries

### Accommodation and Food Services

7210 Accommodation  
 7220 Food services and drinking places

### Other Services

8110 Repair and maintenance  
 8120 Personal and laundry services  
 8130 Religious, grantmaking, civic, professional, and similar organizations

### Public Administration

9200 Public administration