



BE-12 Identification Number

## 2012 BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES MANDATORY — CONFIDENTIAL CLAIM FOR NOT FILING FORM BE-12A, BE-12B, OR BE-12C

**Due date: May 31, 2013**

**Electronic filing:** [www.bea.gov/efile](http://www.bea.gov/efile)

**Mail reports to:**

U.S. Department of Commerce  
Bureau of Economic Analysis BE-49(A)  
Washington, DC 20230

**Deliver reports to:**

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

**Fax reports to:**

(202) 606-1905\*

**Assistance:**

E-mail: [be12/15@bea.gov](mailto:be12/15@bea.gov)  
Telephone: (202) 606-5615  
Copies of blank forms: [www.bea.gov/fdi](http://www.bea.gov/fdi)

**Include your BE-12 Identification Number with all requests.**

**Response Required**

Section 801.3 of 15 CFR, Chapter VIII, requires that all persons subject to the reporting requirements of the BE-12 survey respond, whether or not they are contacted by BEA. It also requires that persons who are contacted by BEA about reporting in this survey, must respond in writing. They may respond by:

- filing the properly completed Form BE-12A, BE-12B, or BE-12C by May 31, 2013;
- completing and returning the Form BE-12 Claim for Not Filing Form BE-12A, BE-12B, or BE-12C, by May 31, 2013;
- certifying in writing, by May 31, 2013, to the fact that the person had no direct investment within the purview of the reporting requirements of the BE-12 survey.

**Mandatory Confidentiality Penalties**

This survey is being conducted under the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended). The filing of reports is mandatory and the Act provides that your report to this Bureau is confidential. Whoever fails to report may be subject to penalties. See page 4 for more details.

**Person to consult concerning questions about this report — Enter name and address**

1000	Name			
0				
1029	Address			
0				
1030	0			
1031	0			
1001	Telephone number	Area code	Number	Extension
0				

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

Authorized official's signature		Date	
0990	Print or type name	0991	Print or type title
0		0	
0992	Telephone number	0993	Fax number
0		0	

**May fax and/or e-mail be used in correspondence between your enterprise and BEA?**

\* **Note** — If you choose to communicate with BEA via fax or electronic mail, BEA cannot guarantee the security of the information during transmission, but will treat information we receive as confidential in accordance with Section 5(c) of the International Investment and Trade in Services Survey Act.

1027 E-mail: <sup>1</sup>  Yes (If yes, enter your e-mail address)  
<sup>2</sup>  No

E-mail address	
0	
1028	
Fax number	
0	
0999	

1032 Fax: <sup>1</sup>  Yes (If yes, enter your fax number)  
<sup>2</sup>  No

**WHICH SECTIONS TO COMPLETE?**

Complete all items on page 1. Also, review the questions below to determine what additional information is required.

- I Were at least 10 percent of the voting rights in your business enterprise directly or indirectly owned by a foreign person or entity at the end of your fiscal year that ended in calendar year 2012?
  - Yes – Continue with question II.
  - No – Complete item (a) or (b) or (c) or (d) on this page. If your business has been liquidated or dissolved, complete (a) or (b). Do not complete questions II and III.
  
- II Were more than 50 percent of the voting rights in this U.S. business enterprise owned by another U.S. affiliate, or was this U.S. business enterprise merged into another U.S. affiliate before the end of this U.S. business enterprise’s fiscal year that ended in calendar year 2012? Note: U.S. affiliate is defined on page 4.
  - Yes – Continue with question III.
  - No – You must file a Form BE-12A, BE-12B or BE12C. Do not complete question III. Copies of blank forms may be found at: [www.bea.gov/fdi](http://www.bea.gov/fdi)
  
- III Will the data for this U.S. business enterprise be consolidated into the 2012 BE-12 report filed for the U.S. affiliate that owns it more than 50 percent, or be included on the 2012 BE-12 report filed for the U.S. affiliate into which it was merged?
  - Yes – Complete item (e)(1) or (e)(2) on page 3.
  - No – Contact BEA for guidance.

Select ONE type of exemption based on one of the reasons listed below, or on page 3. Check box corresponding to the type of exemption you are claiming.

This U.S. business enterprise is exempt from filing a Form BE-12A, BE-12B, or BE-12C because:

- (a) <sup>0170</sup>  This U.S. business enterprise was a U.S. affiliate of a foreign person or entity at some time during calendar year 2012, but ceased to be a U.S. affiliate before the end of the fiscal year that ended in calendar year 2012.  
*Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.*

	Month	Day	Year
7012 1			

- (b) <sup>0110</sup>  This U.S. business enterprise was not a U.S. affiliate of a foreign person or entity at any time during calendar year 2012, but had been a U.S. affiliate of a foreign person at some time before January 1, 2012.  
*Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.*

	Month	Day	Year
7010 1			

- (c) <sup>0180</sup>  This U.S. business enterprise is a U.S. affiliate of a foreign person or entity, but became a U.S. affiliate after the end of its fiscal year that ended in calendar year 2012, or if a newly formed company, its first fiscal year did not or will not end until after the end of calendar year 2012.

Complete items (1) and (2).

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

	Month	Day	Year
7013 1			

(2) Give the ending date of the U.S. business enterprise’s fiscal year that ended in calendar year 2012. If a newly formed company, give the ending date of the U.S. business enterprise’s first fiscal year. NOTE: For a newly formed company this must be a date in calendar year 2013.

	Month	Day	Year
7014 1			

- (d) <sup>0160</sup>  This U.S. business enterprise is exempt from filing because its owners are citizens of the United States who are resident abroad as a result of official employment by the U.S. Government (including the immediate family of such persons), or its owners have been and expect to be resident abroad for less than one year.

(e) This U.S. business enterprise was controlled by a U.S. affiliate of a foreign person or entity during the fiscal year that ended in calendar year 2012 and is (check appropriate box (1) or (2)):

(1)  <sup>0112 1</sup>  **Fully consolidated** into the 2012 BE-12 report filed for that U.S. affiliate;  
**OR**

(2)  <sup>0112 2</sup>  **Merged** into, and included on the 2012 BE-12 report filed for, that U.S. affiliate.

On the lines below give the name, address, and BE-12 Identification Number of the U.S. affiliate into which this U.S. business enterprise is fully consolidated or merged.

0120 0

0130 0

0140 0  0141 0  0150 0

7011 0

(f)  <sup>0190 1</sup>   Other – Specify and include reference to section of regulations or instructions on which claim is based.

7015 0

Remarks

**Authority** – This survey is being conducted under the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended), and the filing of reports is MANDATORY pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104). The implementing regulations are contained in Title 15, CFR, Part 801.

**Penalties** – Whoever fails to report may be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. The civil penalties are subject to inflationary adjustments. Those adjustments are found in 15 CFR 6.4. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both. (22 U.S.C. 3105)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. The control number for this survey is at the top of page 1.

**Respondent Burden** – Public reporting burden for this form is estimated to be average of 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0042, Washington, DC 20503.

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

### Definitions of Key Terms

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

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

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