

**MANDATORY — CONFIDENTIAL*** 005 3

SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN THE UNITED STATES FORM BE-13A

(Report for Acquisition of a U.S. Business Enterprise That Remains a Separate Entity)

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/fdi

Name and mailing address of U.S. Business Enterprise

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

Due date: No later than 45 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, (2) the U.S. business enterprise will operate as a separate legal entity, and (3) 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.

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.
- 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-13C if an existing U.S. affiliate of a foreign parent acquires a U.S. business enterprise or segment that it then merges into its operations and the total cost to acquire the business enterprise is greater than \$3 million.

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, BE-13C, or BE-13D; or (2) whether or not contacted by BEA, met all requirements for filing on forms BE-13A, BE-13B, BE-13C, 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

| | | | | | |
|---|---|---|---|---|---|
| — | 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 10.

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-13A – Acquisition Information

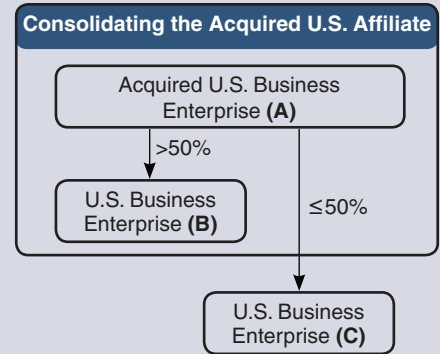
Consolidated reporting by the acquired U.S. affiliate: The acquired U.S. business enterprise (A) must file Form BE-13A on a fully consolidated domestic U.S. basis. Include in the consolidation all U.S. business enterprises (B) in which it directly or indirectly owns more than 50 percent of the outstanding voting interest.

Exclude from the full consolidation all minority-owned U.S. business enterprises (C) 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. affiliate'.

EXAMPLE 1.



ACQUISITION INFORMATION

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. (See page 4 EXAMPLES 2 and 3)

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, including a branch or partnership.

1 What date did a foreign parent's direct and/or indirect voting interest in the acquired U.S. affiliate first reach or exceed 10 percent? 101

Month Day Year
1 ___ / ___ / _____

2 What was the total cost to all foreign parents' affiliated foreign groups (see page 7 EXAMPLE 7) to their U.S. affiliates for the acquisition that occurred on the date reported in **1**? Include 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. 102

\$ Bil. Mil. Thous. Dols.
1 _____ _____ _____ 000

3 What is the name of the acquired U.S. affiliate?
105 Name
1 _____

4 What is the employer identification number (EIN) of the acquired U.S. affiliate used to file income and payroll taxes? 109

EIN
1 _____ - _____

5 Are there any U.S. business enterprises owned by the acquired U.S. business enterprise?

- 120 1 Yes
1 2 No — SKIP to **7**

6 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 owned by the acquired U.S. business enterprise? Include all U.S. business enterprises (B) and (C) in EXAMPLE 1.

| | 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.

BE-13A – Ownership Information

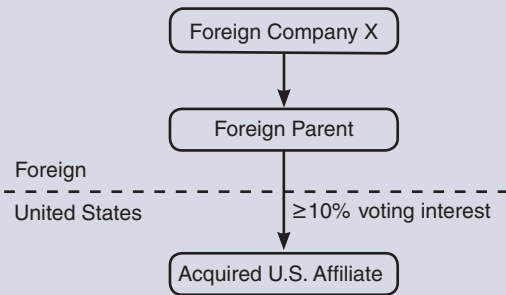
OWNERSHIP INFORMATION FOR THE ACQUIRED U.S. AFFILIATE

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, including a branch or partnership.

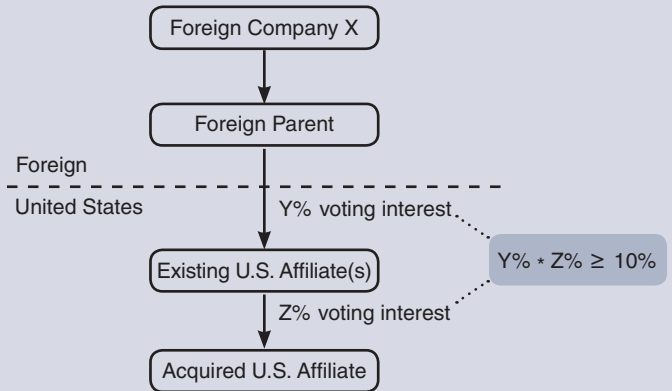
| What percent of voting interest, or equivalent if unincorporated, of the acquired U.S. affiliate is held: | Percent of Voting Interest |
|--|----------------------------|
| 7 DIRECTLY by foreign parents? (See EXAMPLE 2) 150 | 1 _____ % |
| 8 DIRECTLY by existing U.S. affiliates of the foreign parents? (See EXAMPLE 3) 151 | 1 _____ % |
| 9 DIRECTLY by other U.S. entities? 152 | 1 _____ % |
| 10 DIRECTLY by other foreign entities (each holding less than 10 percent voting interest in the acquired U.S. affiliate)? 153 | 1 _____ % |
| Total of 7 through 10 | 1 0 0 . 0 % |
| | Number of Foreign Parents |
| 11 How many foreign parents does the acquired U.S. affiliate have? 180 | 1 _____ |

NOTE: If there is more than one foreign parent (direct and/or indirect) complete **12** through **32** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from www.bea.gov/fdi.

EXAMPLE 2.
Foreign Parent Directly Owns
Acquired U.S. Affiliate



EXAMPLE 3.
Foreign Parent Indirectly Owns
Acquired U.S. Affiliate
Through Existing U.S. Affiliate



BE-13A – Identifying Foreign Parent Number [] of [] and Its Ultimate Beneficial Owner

NOTE: If there is more than one foreign parent (direct and/or indirect) complete **12** through **32** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from www.bea.gov/fdi.

IDENTIFYING THE FOREIGN PARENT

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

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

201 Name
1

13 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 of Foreign Parent

202 1

14 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

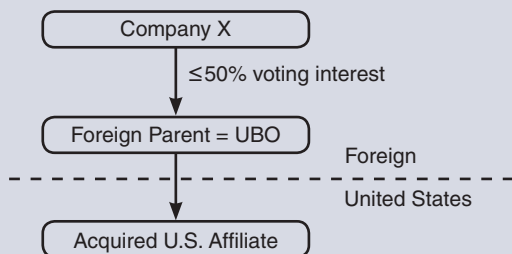
IDENTIFYING THE ULTIMATE BENEFICIAL OWNER (UBO)

15 Is this foreign parent also the ultimate beneficial owner (UBO)? (See EXAMPLES 4 and 5)

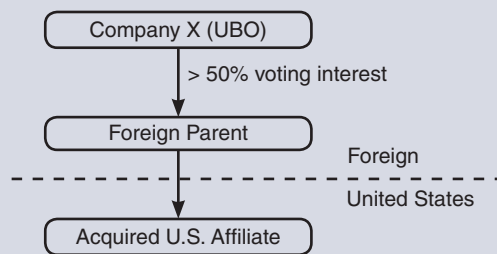
- The UBO is the entity, proceeding up the ownership chain, which is not more than 50 percent owned or controlled by another entity.
- If the foreign parent is owned or controlled more than 50 percent by another entity, then the foreign parent is NOT the UBO.

210 1 1 Yes — SKIP to **18**
1 2 No

EXAMPLE 4.
Foreign Parent is UBO



EXAMPLE 5.
Foreign Parent is Not UBO



16 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
1

17 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

212 1

18 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

IDENTIFYING THE EXISTING U.S. AFFILIATES

19 How was the U.S. affiliate acquired?

- ²²⁰ 1 **1** Directly by the foreign parent. (See EXAMPLE 2 on page 4) – *SKIP to 24*
- 2 **2** By existing U.S. affiliates of the foreign parent. (See EXAMPLE 3 on page 4)
- 3 **3** Both directly by the foreign parent and by existing U.S. affiliates of the foreign parent.

In the chart below, answer the following questions:

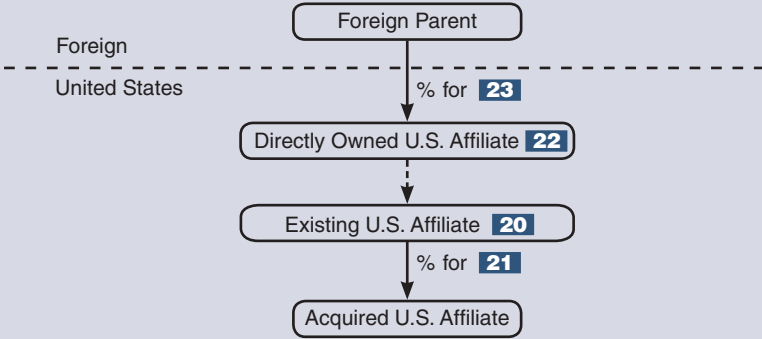
- 20** What are the names and addresses of this foreign parent’s existing U.S. affiliates through which the acquired U.S. affiliate was purchased?
- 21** What is the percent of voting interest, to a tenth of one percent, in the acquired U.S. affiliate held directly by each existing U.S. affiliate listed in **20**?
- 22** For each existing U.S. affiliate listed in **20**, what is the name and address of the U.S. affiliate in the same ownership chain that is **DIRECTLY** owned by the foreign parent? (See EXAMPLE 6) If **22** is the same as **20**, write “same” for **22**.
- 23** What is the percent of voting interest, to a tenth of one percent, held by this foreign parent in each directly-owned U.S. affiliate?

| 20 | | | 21 | 22 | | | 23 |
|---|---------------|------------|--|--|-----------|----------------|--|
| Name and Address of Existing U.S. affiliate | | | Voting Interest Held by 20 in the Acquired U.S. Affiliate | Name and Address of U.S. Affiliate Directly-owned by this Foreign Parent | | | Voting Interest Held by this Foreign Parent in 22 |
| 251 | Name 1 | | 2 | Name 3 | | 4 | |
| | | | _____ . ____ % | | | _____ . ____ % | |
| 252 | Street 1 1 | | | Street 1 2 | | | |
| 253 | Street 2 1 | | | Street 2 2 | | | |
| 254 | City 1 | State 2 | | Zip 3 | City 4 | | State 5 |
| 255 | Name 1 | | 2 | Name 3 | | 4 | |
| | | | _____ . ____ % | | | _____ . ____ % | |
| 256 | Street 1 1 | | | Street 1 2 | | | |
| 257 | Street 2 1 | | | Street 2 2 | | | |
| 258 | City 1 | State 2 | | Zip 3 | City 4 | | State 5 |

List additional entries on a separate page, if necessary.

Please provide an organizational chart if there are any U.S. businesses in the ownership chain between an existing U.S. affiliate and its corresponding directly-owned U.S. affiliate.

EXAMPLE 6.
Existing U.S. Affiliate That Purchased the Acquired U.S. Affiliate is Not Owned Directly by This Foreign Parent



PRIOR OWNERSHIP

24 Did this foreign parent or its existing U.S. affiliates hold a direct voting interest in the acquired U.S. affiliate immediately prior to the acquisition date reported in **1** ?

300 ¹ Yes
² No — SKIP to **28**

25 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. affiliate prior to the acquisition date reported in **1** ? 301 %

Month Day Year
¹ / /

26 What was the date that the voting interest reported in **25** was acquired? 302

27 What was the value of the investment this foreign parent or its existing U.S. affiliates had in the acquired U.S. affiliate prior to the acquisition date reported in **1** ? Exclude the cost of the acquisition that took place on the date reported in **1** 303

| \$ | Bil. | Mil. | Thous. | Dols. |
|--------------|----------------------|----------------------|----------------------|-------|
| ¹ | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |

TRANSACTION INFORMATION

28 What was the total cost to this foreign parent's affiliated foreign group (see EXAMPLE 7) and its U.S. affiliates for the acquisition that occurred on the date reported in **1** ? 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. Equals sum of **29** and **30** 320

| \$ | Bil. | Mil. | Thous. | Dols. |
|--------------|----------------------|----------------------|----------------------|-------|
| ¹ | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |

29 What portion of the cost reported in **28** was provided by each of this foreign parent's U.S. affiliates? List additional entries on a separate page, if necessary.

| | Name of U.S. Affiliate | \$ | Bil. | Mil. | Thous. | Dols. |
|-----|-----------------------------------|--------------|----------------------|----------------------|----------------------|-------|
| 351 | ¹ <input type="text"/> | ² | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
| 352 | ¹ <input type="text"/> | ² | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
| 353 | ¹ <input type="text"/> | ² | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
| 354 | ¹ <input type="text"/> | ² | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |

30 What portion of the cost reported in **28** was provided by the affiliated foreign group? Include funds they borrowed in the United States and abroad. Equals sum of **31** and **32** 371

| | | | | |
|--------------|----------------------|----------------------|----------------------|-----|
| ¹ | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
|--------------|----------------------|----------------------|----------------------|-----|

31 What portion of **30** was in the form of equity? 372

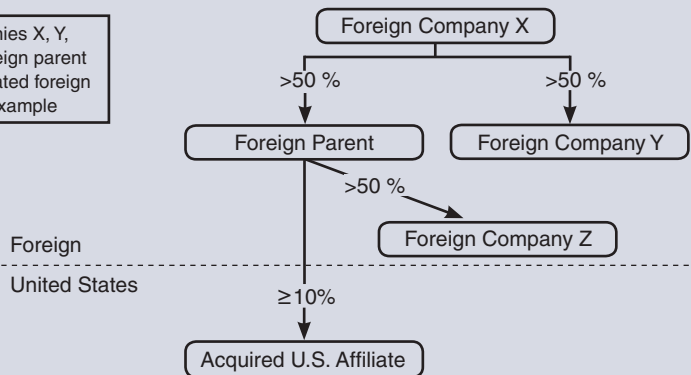
| | | | | |
|--------------|----------------------|----------------------|----------------------|-----|
| ¹ | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
|--------------|----------------------|----------------------|----------------------|-----|

32 What portion of **30** was in the form of debt? 373

| | | | | |
|--------------|----------------------|----------------------|----------------------|-----|
| ¹ | <input type="text"/> | <input type="text"/> | <input type="text"/> | 000 |
|--------------|----------------------|----------------------|----------------------|-----|

EXAMPLE 7. Affiliated Foreign Group

Foreign companies X, Y, and Z and the foreign parent comprise the affiliated foreign group in this example



Affiliated Foreign Group means (i) the foreign parent, (ii) any foreign person, proceeding up the foreign parent's ownership chain, which owns more than 50 percent of the person below it, up to and including that person which is not owned more than 50 percent by another foreign person, and (iii) any foreign person, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the person above it. ("Person" is used in the broad legal sense and includes companies.)

NOTE: If there is more than one foreign parent (direct and/or indirect) complete **12** through **32** for each additional foreign parent on separate pages. Additional copies of these pages may be downloaded from www.bea.gov/fdi.

BE-13A – Financial and Operating Information

FINANCIAL AND OPERATING INFORMATION

Report financial and operating information on the acquired U.S. affiliate 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.

33 What is the ending date for the most recently completed fiscal year that ended on, or before, the acquisition date reported in **1**? 400

| Month | Day | Year |
|-----------------|-----|------|
| 1 | ___ | ___ |
| ___ / ___ / ___ | | |

AS OF THE DATE REPORTED IN **33** :

34 What were the total assets of the acquired U.S. affiliate? 401

35 What were the total liabilities of the acquired U.S. affiliate? 402

36 What were the total annual sales, or gross operating revenues, of the acquired U.S. affiliate? 403

37 What was the annual net income (loss) of the acquired U.S. affiliate after provision for U.S. Federal, state, and local income taxes? 404

| | \$ | Bil. | Mil. | Thous. | Dols. |
|---|----|------|------|--------|-------|
| 1 | | | | | 000 |
| 1 | | | | | 000 |
| 1 | | | | | 000 |
| 1 | | | | | 000 |

38 What was the total number of employees of the acquired U.S. affiliate? Include all full-time and part-time employees on the payroll. Exclude contract workers and other workers not carried on the payroll..... 405

Number of Employees

| |
|---|
| 1 |
|---|

39 What are the major activities of the acquired U.S. affiliate? Check all that apply.

- 420
- 1 Producer of goods
 - 2 Seller of goods it does not produce
 - 3 Producer or distributor of information
 - 4 Provider of services
 - 5 Real estate
 - 6 Other—Specify: 7

40 What are the major products and/or services involved in the activities identified in **39**?

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

41 In which state is the acquired U.S. affiliate located? If the acquired U.S. affiliate operates in more than one state, then select the state where the greatest number of the employees are based. If there are no employees, then select the state of incorporation. 422

| |
|---|
| 1 |
|---|

42 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 11 or go to www.bea.gov/NAICS2012)

423 1

43 Does the acquired U.S. affiliate conduct research and development activities?

- 424
- 1 Yes
 - 2 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. See the Summary of Industry Classifications on page 11 of this form.

- | | |
|--|---|
| 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) |

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 (i) the foreign parent, (ii) 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 (iii) 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 persons 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) A corporation 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 any ownership of any real estate.

Employees should reflect the number of employees during normal operations of the U.S. business enterprise.

- (1) If a strike, or other interruption of operations, was in progress at the end of the year, report a number that represents normal operation.
- (2) If the business enterprises' activity involves large seasonal variations, report a number that represents an average for the year.

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 means each and every foreign entity that directly holds a voting interest of 10 percent or more in the U.S. business enterprise identified as the U.S. affiliate.

Foreign 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.

Real estate ownership is a business enterprise unless the real estate is held exclusively for personal use. See the BE-13 Claim for Not Filing for more specific information.

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

U.S. corporation means a business enterprise incorporated 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, including a branch or partnership.

SUMMARY OF INDUSTRY CLASSIFICATIONS (ISI codes)

| | | | | |
|---|---|---|---|--|
| Agriculture, Forestry, Fishing, and Hunting | 3334 | Ventilation, heating, air-conditioning, and commercial refrigeration equipment | 6152 | Cable and other subscription programming |
| 1110 Crop production | 3335 | Metalworking machinery | 6171 | Wired telecommunications carriers |
| 1120 Animal production | 3336 | Engines, turbines, and power transmission equipment | 6172 | Wireless telecommunications carriers, except satellite |
| 1130 Forestry and logging | 3339 | Other general purpose machinery | 6174 | Satellite telecommunications |
| 1140 Fishing, hunting, and trapping | 3341 | Computer and peripheral equipment | 6179 | Other telecommunications |
| 1150 Support activities for agriculture and forestry | 3342 | Communications equipment | 6182 | Data processing, hosting, and related services |
| | 3343 | Audio and video equipment | 6191 | Other information services |
| Mining | 3344 | Semiconductors and other electronic components | Finance and Insurance | |
| 2111 Oil and gas extraction | 3345 | Navigational, measuring, electromedical, and control instruments | 5221 | Depository credit intermediation (Banking) |
| 2121 Coal | 3346 | Manufacturing and reproducing magnetic and optical media | 5223 | Activities related to credit intermediation |
| 2123 Nonmetallic minerals | 3351 | Electric lighting equipment | 5224 | Nondepository credit intermediation |
| 2124 Iron ores | 3352 | Household appliances | 5229 | Nondepository branches and agencies |
| 2125 Gold and silver ores | 3353 | Electrical equipment | 5231 | Securities and commodity contracts intermediation and brokerage |
| 2126 Copper, nickel, lead, and zinc ores | 3359 | Other electrical equipment and components | 5238 | Other financial investment activities and exchanges |
| 2127 Other metal ores | 3361 | Motor vehicles | 5242 | Agencies, brokerages, and other insurance related activities |
| 2132 Support activities for oil and gas operations | 3362 | Motor vehicle bodies and trailers | 5243 | Insurance carriers, except life insurance carriers |
| 2133 Support activities for mining, except for oil and gas operations | 3363 | Motor vehicle parts | 5249 | Life insurance carriers |
| | 3364 | Aerospace products and parts | 5252 | Funds, trusts, and other financial vehicles |
| Utilities | 3365 | Railroad rolling stock | Real Estate and Rental and Leasing | |
| 2211 Electric power generation, transmission, and distribution | 3366 | Ship and boat building | 5310 | Real estate |
| 2212 Natural gas distribution | 3369 | Other transportation equipment | 5321 | Automotive equipment rental and leasing |
| 2213 Water, sewage, and other systems | 3370 | Furniture and related products | 5329 | Other rental and leasing services |
| | 3391 | Medical equipment and supplies | 5331 | Lessors of nonfinancial intangible assets, except copyrighted works |
| Construction | 3399 | Other miscellaneous manufacturing | Professional, Scientific, and Technical Services | |
| 2360 Construction of buildings | Wholesale Trade, Durable Goods | | 5411 | Legal services |
| 2370 Heavy and civil engineering construction | 4231 | Motor vehicles and motor vehicle parts and supplies | 5412 | Accounting, tax preparation, bookkeeping, and payroll services |
| 2380 Specialty trade contractors | 4232 | Furniture and home furnishing | 5413 | Architectural, engineering, and related services |
| | 4233 | Lumber and other construction materials | 5414 | Specialized design services |
| Manufacturing | 4234 | Professional and commercial equipment and supplies | 5415 | Computer systems design and related services |
| 3111 Animal foods | 4235 | Metal and mineral (except petroleum) | 5416 | Management, scientific, and technical consulting services |
| 3112 Grain and oilseed milling | 4236 | Electrical and electronic goods | 5417 | Scientific research and development services |
| 3113 Sugar and confectionery products | 4237 | Hardware, and plumbing and heating equipment and supplies | 5418 | Advertising, public relations, and related services |
| 3114 Fruit and vegetable preserving and specialty foods | 4238 | Machinery, equipment, and supplies | 5419 | Other professional, scientific, and technical services |
| 3115 Dairy products | 4239 | Miscellaneous durable goods | Management of Companies and Enterprises | |
| 3116 Meat products | 4241 | Paper and paper product | 5512 | Holding companies, except bank holding companies |
| 3117 Seafood product preparation and packaging | 4242 | Drugs and druggists' sundries | 5513 | Corporate, subsidiary, and regional management offices |
| 3118 Bakeries and tortillas | 4243 | Apparel, piece goods, and notions | Administrative and Support and Waste Management and Remediation Services | |
| 3119 Other food products | 4244 | Grocery and related product | 5611 | Office administrative services |
| 3121 Beverages | 4245 | Farm product raw material | 5612 | Facilities support services |
| 3122 Tobacco | 4246 | Chemical and allied products | 5613 | Employment services |
| 3130 Textile mills | 4247 | Petroleum and petroleum products | 5614 | Business support services |
| 3140 Textile product mills | 4248 | Beer, wine, and distilled alcoholic beverage | 5615 | Travel arrangement and reservation services |
| 3150 Apparel | 4249 | Miscellaneous nondurable goods | 5616 | Investigation and security services |
| 3160 Leather and allied products | Wholesale Trade, Nondurable Goods | | 5617 | Services to buildings and dwellings |
| 3210 Wood products | 4241 | Paper and paper product | 5619 | Other support services |
| 3221 Pulp, paper, and paperboard mills | 4242 | Drugs and druggists' sundries | 5620 | Waste management and remediation services |
| 3222 Converted paper products | 4243 | Apparel, piece goods, and notions | Educational Services | |
| 3231 Printing and related support activities | 4244 | Grocery and related product | 6110 | Educational services |
| 3242 Integrated petroleum refining and extraction | 4245 | Farm product raw material | Health Care and Social Assistance | |
| 3243 Petroleum refining without extraction | 4246 | Chemical and allied products | 6210 | Ambulatory health care services |
| 3244 Asphalt and other petroleum and coal products | 4247 | Petroleum and petroleum products | 6220 | Hospitals |
| 3251 Basic chemicals | 4248 | Beer, wine, and distilled alcoholic beverage | 6230 | Nursing and residential care facilities |
| 3252 Resins, synthetic rubbers, and artificial and synthetic fibers and filaments | 4249 | Miscellaneous nondurable goods | 6240 | Social assistance |
| 3253 Pesticides, fertilizers, and other agricultural chemicals | Wholesale Trade, Electronic Markets and Agents and Brokers | | Arts, Entertainment, and Recreation | |
| 3254 Pharmaceuticals and medicines | 4251 | Wholesale electronic markets and agents and brokers | 7110 | Performing arts, spectator sports, and related industries |
| 3255 Paints, coatings, and adhesives | Retail Trade | | 7121 | Museums, historical sites, and similar institutions |
| 3256 Soap, cleaning compounds, and toilet preparations | 4410 | Motor vehicle and parts dealers | 7130 | Amusement, gambling, and recreation industries |
| 3259 Other chemical products and preparations | 4420 | Furniture and home furnishings | Accommodation and Food Services | |
| 3261 Plastics products | 4431 | Electronics and appliance | 7210 | Accommodation |
| 3262 Rubber products | 4440 | Building material and garden equipment and supplies dealers | 7220 | Food services and drinking places |
| 3271 Clay products and refractories | 4450 | Food and beverage | Other Services | |
| 3272 Glass and glass products | 4461 | Health and personal care | 8110 | Repair and maintenance |
| 3273 Cement and concrete products | 4471 | Gasoline stations | 8120 | Personal and laundry services |
| 3274 Lime and gypsum products | 4480 | Clothing and clothing accessories | 8130 | Religious, grantmaking, civic, professional, and similar organizations |
| 3279 Other nonmetallic mineral products | 4490 | Sporting goods, hobby, book, and music | Public Administration | |
| 3311 Iron and steel mills and ferroalloys | 4500 | General merchandise | 9200 | Public administration |
| 3312 Steel products from purchased steel | 4530 | Miscellaneous store retailers | | |
| 3313 Alumina and aluminum production and processing | 4540 | Nonstore retailers | | |
| 3314 Nonferrous metal (except aluminum) production and processing | Transportation and Warehousing | | | |
| 3315 Foundries | 4810 | Air transportation | | |
| 3321 Forging and stamping | 4821 | Rail transportation | | |
| 3322 Cutlery and handtools | 4833 | Petroleum tanker operations | | |
| 3323 Architectural and structural metals | 4839 | Other water transportation | | |
| 3324 Boilers, tanks, and shipping containers | 4840 | Truck transportation | | |
| 3325 Hardware | 4850 | Transit and ground passenger transportation | | |
| 3326 Spring and wire products | 4863 | Pipeline transportation of crude oil, refined petroleum products, and natural gas | | |
| 3327 Machine shops; turned products; and screws, nuts, and bolts | 4868 | Other pipeline transportation | | |
| 3328 Coating, engraving, heat treating, and allied activities | 4870 | Scenic and sightseeing transportation | | |
| 3329 Other fabricated metal products | 4880 | Support activities for transportation | | |
| 3331 Agriculture, construction, and mining machinery | 4920 | Couriers and messengers | | |
| 3332 Industrial machinery | 4932 | Petroleum storage for hire | | |
| 3333 Commercial and service industry machinery | 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 | | |