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| SCHEDULE A – U.S. REPORTER'S SALES OF CONSTRUCTION SERVICES TO UNAFFILIATED FOREIGN PERSONS | | | | | | | | | | | | |
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| Combine all projects for a given country in one line. See General Instructions, I.F and I.G | | | | | | | | | | | | |
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| REPORT IN THOUSANDS OF U.S. DOLLARS | | | | | | | | | | | | |
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| nonmilitary agencies – | | | | | | | | | | | | |
| See Instruction II.E. 709 | | | | | | | | | | | | |
| * If column 7 is checked, pleased enter below, or on a separate sheet of paper, the name(s) and address(es) of domestic U.S. joint venture partner(s). If you participate in more than one joint venture covered by this | | | | | | | | | | | | |
| schedule, please include, along with your list of joint venture partners, the name and country of location of | | | | | | | | | | | | |
| each joint venture. | | | | | | | | | | | | |
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| | SCHEDULE B – U.S. REPORTER'S SALES OF ENGINEERING, ARCHITECTURAL, AND SURVEYING SERVICES TO UNAFFILIATED FOREIGN PERSONS Combine all projects for a given country in one line. See General Instructions, I.F and I.G | | | | | | | | | | | | | | |
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| Country | | | BEA USE ONLY | | Gross value of new contracts received | | Gross operating revenues (sales) (4) | | Merchan- dise exports | exp di | Foreign expenses or disburse- ments (6) | | If any of the activit reported for a give country involves participation with a domestic (U.S.) joir venture partner(s) please mark (X) below (7) | | r a given volves n with a .S.) joint rtner(s), X) below.* |
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| | Venezuela | 18 | ¹ 219 | 2 | 3 | | 4 | | 5 | 6 | | _ | 7 | | |
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| - | * If column 7 is checked, pleased enter below, or on a separate sheet of paper, the name(s) and address(es) of domestic U.S. joint venture partner(s). If you participate in more than one joint venture covered by this schedule, please include, along with your list of joint venture partners, the name and country of location of each joint venture. | | | | | | | | | | | | | | |

| | | | | | REPORT IN THOUSANDS OF U.S. DOLLARS | | | | | | | | | |
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| Country | | | BEA USE ONLY | | Gross value of new contracts received | Gross operating revenues (sales) | Merchan- dise exports | Foreign expenses or disburse- ments | reported for a given country involves participation with a domestic (U.S.) joint venture partner(s), please mark (X) below. | | | | | |
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| - | Canada | 003 | ¹ 100 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | |
| | China | 004 | ¹ 650 | 2 | 3 | 4 | 5 0 | 6 | 7 | | | | | |
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| | Indonesia | 007 | ¹ 612 | 2 | 3 | 4 10 | 5 | 6 | 7 | | | | | |
| | Japan | 009 | ¹ 614 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | |
| | Korea, South | 010 | ¹ 626 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | |
| | Malaysia | 011 | ¹ 617 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | |
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| | Thailand | 015 | ¹ 628 | 2 | 3 | 4 | 5 | 6 | 7 | | | | | |
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| 32. 032 1 2 3 4 5 6 7 * If column 7 is checked, pleased enter below, or on a separate sheet of paper, the name(s) and address(es) of domestic U.S. joint venture partner(s). If you participate in more than one joint venture covered by this schedule, please include, along with your list of joint venture partners, the name and country of location of each joint venture. 6 7 | | | | | | | | | | | | | | |
| | | | | | | | | | | | _ | | | |

GENERAL INSTRUCTIONS

Public reporting burden for this BE-47 report is estimated to average 4.5 hours per response. This burden includes 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 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 0608-0015, Washington, DC 20503.

Purpose – Reports on this form are required in order to obtain reliable and up-to-date information on U.S. sales to unaffiliated foreign persons of construction, engineering, architectural, and mining services. The information will be used to formulate U.S. policy, and analyze the impact of that policy and the policies of foreign countries, on international trade in services. The data will also be used in compiling the U.S. balance of payments, input-output, and national income and product accounts.

Authority – This survey is being conducted under the authority of 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 under Section 5(b)(2) of the Act (22 U.S.C. 3104). Regulations for the survey may be found in 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. 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 participated in such violations, upon conviction, may be punished by a like fine, imprisonment, or both. (See 22 U.S.C. 3105). Notwithstanding the above, a U.S. person is not subject to any penalty for failure to report if a valid Office of Management and Budget (OMB) control number is not displayed on the form; such a number (0608-0015) is displayed on this form.

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.

I. WHO IS TO REPORT AND GENERAL COVERAGE

- A. Form BE-47 must be filed by each U.S. person (other than U.S. Government agencies) providing the following types of services on a contract, fee, or similar basis to unaffiliated foreign persons: the services of general contractors in the fields of building construction and heavy construction; construction work by special trade contractors, such as the erection of structural steel for bridges and buildings and on-site electrical work; services of a professional nature in the fields of engineering, architecture, and land surveying; and mining services in the development and operation of mineral properties, including oil and gas field services.
- B. Exemption Any U.S. person otherwise required to report is exempted from reporting if, for all countries and all schedules combined, the gross value of new contracts received and gross operating revenues (columns (3) and (4)) are both less than \$1,000,000. If either the gross value of new contracts received or gross operating revenues is \$1,000,000 or more, then a report is required.

A U.S. person that receives this form from BEA but is not required to report data for any schedule must nonetheless complete the "Person to Consult", "Certification" section, and the Exemption Claim on page 1 of the form.

- C. A project is considered foreign if it is located abroad, is undertaken for an international organization, whether located in the United States or abroad, or is undertaken for a foreign embassy or consulate in the United States. (See II.F. below for special treatment of projects for international organizations.)
- **D.** In the case of work carried out on foreign projects through foreign project (job site) offices and "temporary" foreign branches, the activities of such entities should be considered part of the U.S. business enterprise filing this report and the data reported on this form should cover the consolidated activities. Where work on foreign projects is carried out through branches or subsidiaries operating abroad (i.e., through foreign affiliates), the reporting company, as parent, should report its intercompany transactions with these affiliates, not on this Form BE-47, but on a separate Form BE-577. The parent must also file a separate Form BE-11 to report financial and operating data for these affiliates. The BE-577 and BE-11 are mandatory reports; copies may be requested from this Bureau at (202) 606– 5566.

Although the definitions of direct investment and foreign affiliate in IV. below should be sufficient to determine whether a given activity is or is not a foreign affiliate, in a number of cases the determination may be difficult. Several factors to be considered are given below. If you still cannot determine if the activity or operation is an affiliate, call (202) 606–5588 for additional guidance. Also, if you think that an activity or operation currently reported as an affiliate is incorrectly classified, please call for assistance.

If a U.S. person's foreign activity or operation is incorporated abroad, it is a foreign affiliate.

If a U.S. person's foreign activity or operation is NOT incorporated abroad, its status is based on the weight of the evidence when the factors listed below are considered. An unincorporated foreign activity or operation generally WOULD be considered a foreign affiliate if it: (i) pays foreign income taxes; (ii) has a substantial physical presence abroad (e.g., plant and equipment or employees); (iii) maintains separate financial records that would permit the preparation of financial statements, including an income statement and balance sheet (not just a record of disbursements and receipts); (iv) takes title to the goods it sells and receives revenues therefrom; or (v) receives funds for its own account from customers for services it performs.

An unincorporated foreign activity or operation generally WOULD NOT be considered a foreign affiliate if it: (i) conducts business abroad only for the U.S. person's account and not for its own account (e.g., sales promotion or public relations activities); (ii) has no separate financial statements; (iii) receives funds to cover its expenses only from the U.S. person; (iv) pays no foreign income taxes; and (v) has limited physical assets, or employees, permanently located abroad.

E. Do not complete this form if the sole relationship you have with a foreign project is services performed in connection with the manufacture of equipment and machinery for export abroad, where the specific cost of these services is part of the price of the goods declared on the Shippers Export Declaration filed with the U.S. Customs Service. However, a contract to provide technical services at a price over and above that entered on the export declaration should be included on this form.

I. WHO IS TO REPORT AND GENERAL COVERAGE - Continued

F. Reporting for more than one project in a country – A U.S. person may participate in more than one project in a given country. The U.S. person may be the sole U.S. participant in the projects, or may participate in some, or all, of the projects with one or more U.S. joint venture partner(s).

If you participate in more than one project in a given country, **COMBINE** the amounts for **ALL** projects in that country in columns (3) through (6) of Schedule A, B, or C.

Also, see I.G., below, "Joint ventures."

G. Joint ventures – If any of the projects reported in columns (3) through (6) of Schedule A, B, or C for a given country involve participation with a domestic (U.S.) joint venture partner(s), check column (7), and enter the name(s) and address(es) of the partner(s) below each schedule, or on a separate sheet of paper. To avoid duplication or omission, report amounts representing ONLY your share of the joint venture in columns (3) through (6) of Schedules A, B, or C.

II. WHAT TO REPORT

- A. Report information on services you carried out or performed for unaffiliated foreign persons, whether the services you provide were performed in the United States or abroad.
- **B.** Report retainer-fee type contracts of a continuing nature where no definite contract termination is stipulated, if the contract is with an unaffiliated foreign person.
- **C.** Report information on all projects for unaffiliated foreign persons, whether financed by private U.S. or foreign sources, U.S. Government grants or loans (e.g., from the Agency for International Development or Export-Import Bank), foreign governments, or international organizations.
- **D.** Report information on foreign projects that are part of an aid or technical cooperation program of the U.S. Government for the benefit of foreign persons, such as services provided in the United States or abroad to the Agency for International Development in connection with foreign projects that it is financing.
- **E.** Special Instructions for reporting foreign projects for the benefit of U.S. Government nonmilitary agencies:

Report on line **33** of Schedule A **all** projects that are for U.S. Government nonmilitary agencies, such as the construction or renovation of U.S. embassies and consulates abroad. Do **not** report these projects by individual country.

F. Report projects undertaken for international organizations. According to balance of payments conventions, all international organizations are considered unaffiliated foreign persons and, therefore, all projects for them are considered foreign, even if the organization is domiciled, or the project is located, in the United States. Therefore, a project in the United States undertaken for an international organization should be reported as a foreign project. For example, the construction of an office building in Washington, DC for the International Monetary Fund should be reported as a foreign person and "International Organizations – United States" should be entered in the column headed "country".

- **G.** Report projects undertaken in the United States for a foreign government, such as the construction of an embassy or consulate.
- **H.** Report contracts entered into with a U.S. person if the project is located, or is to be located, in a foreign country. This is intended to include contracts entered into with a U.S. parent company in connection with that company's plants and installations abroad.

III. WHAT NOT TO REPORT

- A. Do not report services you provided to the U.S. Department of Defense or any of its agencies, such as the Corps of Engineers, or under any DOD foreign assistance programs, such as the Foreign Military Sales program or foreign grant programs. For example, do not report receipts for services on projects managed or supervised by the Corps of Engineers and on projects arranged through the Foreign Military Sales program or under foreign grant programs of the Department of Defense.
- **B.** Do **not** report services you performed abroad for your own account, rather than under contract to others, e.g., oil companies performing petroleum and gas exploration services for their own account should **not** report those activities on this form.

C. Do **not** report amounts you received from unaffiliated foreign persons pursuant to licensing-fee and royalty arrangements for the use of patents, industrial processes, etc. Report these on Form BE-93.

- D. Do not report industrial engineering services that are associated with the design of movable products; such services should be reported on Form BE-20 or BE-22 (Benchmark or Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons). Report on this BE-47 form only those engineering services that are associated with a foreign construction or mining services project.
- **E.** Do **not** report a subcontract entered into directly with another U.S. contracting or engineering firm which is acting as prime contractor on a foreign project and filing a separate consolidated return on this form. (In this case, the payments received by you from the U.S. prime contractor would duplicate the payments received and reported by the prime contractor as reimbursement for its U.S. subcontract costs.)

IV. DEFINITIONS

- A. U.S. Reporter is the U.S. person filing a report in this survey. If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise consisting of the U.S. corporation which is not owned to the extent of more than 50 percent of its voting stock by another U.S. corporation, and all other U.S. corporations (including a Foreign Sales Corporation located in the United States) whose voting securities are more than 50-percent owned by the U.S. Corporation above it.
- **B. United States**, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all the territories and possessions of the United States. **NOTE:** The U.S. Virgin Islands and Guam are territories of the United States.
- **C. 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.

IV. DEFINITIONS – Continued

- D. Person 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).
 - **1. United States person** means any person resident in the United States or subject to the jurisdiction of the United States.
 - **2. Foreign person** means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.
- **E. Business enterprise** means any organization, association, branch or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate. (A business enterprise is a "person" within the definition in paragraph D above.)
- F. Direct Investment means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting stock of an incorporated business enterprise, or an equivalent ownership interest in an unincorporated business enterprise.
- **G. Parent** means a person of one country who, directly or indirectly, owns or controls 10 per centum or more of the voting stock of an incorporated business enterprise or an equivalent ownership interest in an unincorporated business enterprise, which is located outside that country.
 - **1. U.S. parent** means the U.S. person that has direct investment in a foreign business enterprise.
 - **2. Foreign parent** means the foreign person, or the first person outside the United States in a foreign chain of ownership, which has direct investment in a U.S. business enterprise, including a branch.
- H. 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 per centum of the person below it up to and including that person which is not owned more than 50 per centum 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 per centum by the person above it.
- I. Affiliate means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch.
 - **1. Foreign affiliate** means an affiliate located outside the United States in which a U.S. person has direct investment.
 - **2. U.S. affiliate** means an affiliate located in the United States in which a foreign person has direct investment.
- J. Affiliated foreign person means, with respect to a given U.S. person, (i) a foreign affiliate of which the U.S. person is a U.S. parent, or (ii) the foreign parent or other member of the affiliated foreign group of which the U.S. person is a U.S. affiliate.
- K. Unaffiliated foreign person means, with respect to a given U.S. person, any foreign person that is not an affiliated foreign person as defined in paragraph J above.

- L. 2003 fiscal year is the U.S. Reporter's financial reporting year that has an ending date in calendar year 2003. For a person that does not have a financial reporting year, or does not have a financial reporting year ending in calendar year 2003, its 2003 fiscal year is deemed to be the same as calendar year 2003.
- **M. Country** means, for purposes of this survey, the country of location of projects carried out for foreign persons.

Exceptions: 1. See II.F. above for reporting projects for international organizations domiciled in the United States. 2. When reporting projects undertaken in the United States for a foreign embassy or consulate, country means the foreign country for which the embassy or consulate is being constructed.

V, REPORTING PROCEDURES

A. Due date - Your report is due March 31, 2004.

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- B. Fiscal reporting period This report covers fiscal year 2003, which is your most recent fiscal year that ended on or before December 31, 2003. If your most recent fiscal year ended after December 31, 2003, please call for assistance.
- **C** Extension Requests for an extension of the reporting deadline will not normally be granted. However, in a hardship case, a written request for an extension will be considered if it is received at least 15 days before the due date. BEA will provide a written response to such a request.
- **D.** For assistance or additional copies of the forms Phone (202) 606–5588 between 8:30 a.m. and 5:00 p.m. eastern time. Copies of our forms are also available on BEA's web page: www.bea.gov
- E. Response required If you received this form directly from BEA, a response is required, by either reporting data or completing the Exemption Claim, and by completing the "Person to Consult" and "Certification" sections of the form and returning the form to BEA.
- **F. Rounding** Report currency amounts in U.S. dollars rounded to thousands (omitting 000). For example, if the amount is \$1,334,515.00, report \$1,335.
- **G. Estimates** If actual figures are not available, report estimates and label them as such. When data items cannot be fully subdivided as required, report totals and an estimated breakdown of the totals.
- **H. Original and file copies –** File a single original copy of the form with BEA. Please use the copy with the address label if such a labeled copy has been provided. In addition, retain a copy of the report in your files for three years to facilitate resolution of problems.
- I. Where to send the report Send reports filed by mail through the U.S. Postal Service to:

U.S. Department of Commerce Bureau of Economic Analysis BE-50 (SSB) Washington, DC 20230

Address reports filed by direct private express delivery to:

U.S. Department of Commerce Bureau of Economic Analysis, BE-50 (SSB) Shipping & Receiving, Section M-100 1441 L Street, NW Washington, DC 20005

VI. SPECIFIC SCHEDULE AND COLUMN INSTRUCTIONS

Note: The descriptions below are based on the new North American Industry Classification System (NAICS). In previous versions of this form, the descriptions were based on the U.S. Standard Industrial Classification system, which NAICS has replaced.

SCHEDULE A

Construction

Examples of construction activities covered by Schedule A are:

Industrial buildings **Residential buildings** Land development and subdivision Bridges and tunnels Highways and streets Power and communication transmission lines Water mains, sewers, and pipelines Demolition or wrecking of buildings and other structures Dismantling of machinery Excavating Shoring and underpinning Anchored earth retention activities Foundation drilling Grading for buildings is Clearing of building sites

SCHEDULE B

Architectural, engineering, and surveying services

Examples of services covered by Schedule B are:

Architectural services **including** planning and designing residential, institutional, commercial, or industrial buildings and structures Building inspection services

Drafting services

Engineering services, **excluding** designing and developing machines, materials, instruments, processes, and systems

Landscape architectural services **including** planning and designing the development of land areas for projects such as parks, schools, and highways Surveying and mapping services

- **Notes:** 1. Report receipts for projects involving both the design and the construction of buildings, highways, or other structures on Schedule A as Construction services.
 - 2. Report receipts for managing Construction projects on Schedule A as Construction services.

SCHEDULE C

Support activities for mining operations, including oil and gas

Examples of services covered by Schedule C are:

Drilling wells for oil or gas field operations Exploration, **including** prospecting and taking ore samples Grading and building foundations at well locations Well surveying Making geological observations

Note: Report receipts for performing geophysical surveying services on Schedule B as Surveying services.

Country – Enter the country of location of foreign projects. If a project is being performed in the United States, enter the location of the purchaser of services (i.e., either an individual foreign country, or "International organization – United States" – see II.F. above). Report **all** projects for the benefit of U.S. Government nonmilitary agencies on line 33 of Schedule A.

Column (3), Gross value of new contracts received – Report the gross amount expected to be received over the life of each contract awarded to the U.S. Reporter during the year covered by the report. Include both the amount, if any, that is entered in gross operating revenues (column (4)) for the reporting period covered by this report (i.e., amounts accrued in the year the contract was awarded) and funds that will enter gross operating revenues in future periods, as the contract is fulfilled.

Column (4), Gross operating revenues – Report

revenues (sales) as recorded on your books for the value of services provided and/or construction completed during the reporting period.

Column (5), Merchandise exports – Report the value of merchandise exports from the United States during the reporting period that were made in connection with projects. Exports should include the value of equipment, supplies, materials, etc., and should equal the amounts reported on the Shippers Export Declarations filed with the U.S. Bureau of Customs plus the cost of transporting the goods to foreign destinations. Exclude temporary exports of equipment or other goods that are intended to be returned to the United States in substantially the same condition as when exported.

Column (6), Foreign expenses or disbursements -

Report salaries and wages transmitted or disbursed abroad; expenses or outlays for services (including purchases from foreign subcontractors), material, and equipment purchased abroad; and other foreign expenses (e.g., local taxes and fees for permits). (Do not report purchases of material and equipment for import into the United States.)

Column (7) – See I.G. above for reporting projects that involve participation with a domestic (U.S.) joint venture partner(s).

OVERFLOW PAGE FOR 2003 FORM BE-47, ANNUAL SURVEY OF CONSTRUCTION, ENGINEERING, ARCHITECTURAL, AND MINING SERVICES PROVIDED BY U.S. FIRMS TO UNAFFILIATED FOREIGN PERSONS

Company Name _____

Overflow Page # ____ of

| Schedule: (Circle one) | A - Con B - Engi | nstruction gineering and Architectural Control Number: | | | | | | | | | | | | |
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| Country | | BEA USE ONLY | | Gross value of new contracts received | Gross operating revenues | Merchandise experts | Foreign expenses or disbursements | If reported activity involves participation with a domestic (US) joint venture | | | | | | |
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Note: You may use this Overflow Page if there is insufficient space on form BE-47, Schedule A, B, or C to list every individual country with which you had transactions. Overflow sheets should be attached to form and mailed to our office. The BE-47 form is also available in a Microsoft Excel format. If you wish to receive a copy of the Excel file, send an e-mail message to be-47@bea.doc.gov with your request and we will promptly reply with the file attached to our message.