

OMB No. 0608-0042: Approval Expires 11/30/2010

BEA Identification Number →



MANDATORY — CONFIDENTIAL
2007 BENCHMARK SURVEY OF
FOREIGN DIRECT INVESTMENT IN THE UNITED STATES
CLAIM FOR NOT FILING FORM BE-12(LF), BE-12(SF), BE-12 Mini, AND BE-12 Bank

DUE DATE: MAY 31, 2008

ELECTRONIC FILING: Go to **www.bea.gov/efile** for details

OR

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

OR

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

OR

FAX REPORTS TO: (202) 606-1905*

See the **NOTE at the bottom of this page if you plan to fax your report to BEA.*

A. Name and address of U.S. business enterprise – If a label has been affixed, make any changes directly on the label. If a label has not been affixed, enter the BEA Identification Number of this U.S. affiliate, if available, in the box at the upper right hand corner of this page.

Name of U.S. affiliate
 1002 0

c/o (care of)
 1010 0

Street or P.O. Box
 1003 0

City State

1004 0 0998 0

ZIP Code Foreign Postal Code

1005 0 OR 0

B. Enter Employer Identification Number(s) used by the U.S. business enterprise to file income and payroll taxes.

Primary Other

1006 1 2

ASSISTANCE

Email: **be12/15@bea.gov**
Telephone: (202) 606-5577
FAX: (202) 606-5319

Copies of blank forms: **www.bea.gov/fdi**

Definitions of key terms – See page 3.

RESPONSE REQUIRED

Section 806.4 of 15 CFR, Chapter VIII, requires that all persons (in the broad legal sense, including companies) subject to the reporting requirements of the BE-12 Survey respond, whether or not they are contacted by BEA. It also requires that persons that are contacted by BEA about reporting in this survey respond in writing. They may respond by:

- filing the properly completed Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 Bank by May 31, 2008, as required;
- completing and returning the BE-12 Claim For Not Filing Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 Bank, by May 31, 2008; or
- certifying in writing, by May 31, 2008, to the fact that the person is not a U.S. affiliate of a foreign person and thus is not subject to the reporting requirements of the BE-12 survey.

WHICH SECTIONS TO COMPLETE?

Complete items A and B above, and the Person to Consult Concerning Questions About This Report and the Certification at the bottom of this page. Also, please review the questions below to determine the additional information required.

- I** Were at least 10 percent of the voting rights in your business directly or indirectly owned by a foreign person or entity at the end of your fiscal year that ended in calendar year 2007?
- Yes – Continue with question II below. **Note: Your business is hereinafter referred to as a "U.S. affiliate."**
- No – Complete item (a) or (b) or (c) or (d) on page 2. If your business has been liquidated or dissolved, complete (a) or (b). Do not complete questions II and III below.
- II** Were more than 50 percent of the voting rights in this U.S. affiliate owned by another U.S. affiliate, or was this U.S. affiliate merged into another U.S. affiliate before the end of this U.S. affiliate's fiscal year that ended in calendar year 2007?
- Yes – Continue with question III below.
- No – You must file a Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 Bank. Do not complete question III below. Copies of blank forms may be found at: **www.bea.gov/fdi**
- III** Will the data for this U.S. affiliate be consolidated into the 2007 BE-12 report filed for the U.S. affiliate that owns it more than 50 percent, or be included on the 2007 BE-12 report filed for the U.S. affiliate into which it was merged?
- Yes – Complete item (e)(1) or (e)(2) on page 2.
- No – Contact BEA for guidance.

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 3 for more details.

PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address

Name 1000 0

Address 1029 0

1030 0

1031 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 where data are not available from customary accounting records or precise data could not be obtained without undue burden.

Authorized official's signature Date

TELEPHONE NUMBER 1001 1 Area code Number 2 Extension

0990 0 Print or type name 0991 0 Print or type title

FAX NUMBER 0999 1 Area code Number

0992 1 Telephone number 2 Extension 3 FAX number

May FAX and/or email be used in correspondence between your enterprise and BEA, including FAX'ed reports, and/or to discuss questions relating to this survey that may contain information about your company that you may consider confidential? **NOTE:** The Internet and telephone systems are not secure means of transmitting confidential information unless it is encrypted. 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 Email: 1 Yes (If yes, please print your email address.) → Email address (Please print)

2 No

1028

1032 FAX: 1 Yes

2 No

BASIS OF CLAIM FOR EXEMPTION

Select ONE type of exemption based on one of the reasons listed below. Please check the box corresponding to the type of exemption you are claiming.

This U.S. business enterprise is exempt from filing Form BE-12(LF), BE-12(SF), BE-12 Mini, or BE-12 Bank because:

(a) ⁰¹⁷⁰ ¹ This U.S. business enterprise was a U.S. affiliate of a foreign person or entity at some time during calendar year 2007, but ceased to be a U.S. affiliate before the end of its fiscal year that ended in calendar year 2007.

Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.

⁷⁰¹²	Month	Day	Year
	1		

(b) ⁰¹¹⁰ ¹ This U.S. business enterprise was not a U.S. affiliate of a foreign person or entity at any time during calendar year 2007 but had been a U.S. affiliate of a foreign person or entity at some time before January 1, 2007.

Give date foreign ownership ceased or went below 10 percent, or when the business was liquidated or dissolved.

⁷⁰¹⁰	Month	Day	Year
	1		

(c) ⁰¹⁸⁰ ¹ 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 2007, or if a newly formed company, its first fiscal year did not or will not end until after the end of calendar year 2007. Complete items (1) and (2) below.

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

⁷⁰¹³	Month	Day	Year
	1		

Note that a Form BE-13 should have been filed to reflect the acquisition. Copies of blank forms can be found at: www.bea.gov/bea/fdi

(2) Give the ending date of the U.S. business enterprise's fiscal year that ended in calendar year 2007. 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 2008.

⁷⁰¹⁴	Month	Day	Year
	1		

(d) ⁰¹⁶⁰ ¹ 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 a U.S. affiliate of a foreign person or entity during the fiscal year that ended in calendar year 2007 but was (please check appropriate box (1) or (2)):

(1) ⁰¹¹² ¹ **Fully consolidated** into the 2007 BE-12 report filed for another U.S. affiliate; **OR** (2) ⁰¹¹² ² ¹ **Merged** into another U.S. affiliate and its operations are included on the 2007 BE-12 report filed for the other U.S. affiliate.

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

Name ⁰¹²⁰

Street or P.O. Box ⁰¹³⁰

City ⁰¹⁴⁰ State ⁰¹⁴¹ ZIP Code ⁰¹⁵⁰

BEA Identification Number of the U.S. affiliate into which this U.S. affiliate is fully consolidated or merged. ⁷⁰¹¹

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

⁷⁰¹⁵

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 806.

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 of this form.

Respondent burden – Public reporting burden for this form is estimated to be 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.