

U.S. Department of Commerce BE-12 Benchmark Survey of Foreign Direct Investment in the U.S. – Paper Responses due May 31, 2018, eFiled Responses due June 30, 2018

May 24, 2018

The U.S. Department of Commerce's Bureau of Economic Analysis ("BEA"), conducts numerous surveys collecting economic data on a wide assortment of topics ranging from gross domestic product to domestic travel and tourism to international trade to health care spending. The BEA's 2017 Benchmark Survey of Foreign Direct Investment in the United States (the "BE-12 Survey"), collects financial and operational data regarding U.S. businesses with certain levels of foreign ownership.

Responses to the BE-12 Survey are due by **May 31, 2018** for paper responses or by **June 30, 2018** for survey responses submitted via the BEA's eFile system. Despite being called a "survey", responses to the BE-12 Survey are mandatory and failure to respond can result in civil or criminal penalties. Accordingly, businesses with foreign ownership should be sure to check the BEA website to determine if they must respond to the survey.

What is the 2017 BE-12 Survey?

Conducted every five years, the BE-12 Survey is a comprehensive survey of foreign direct investment in the U.S. The BEA uses the survey data to develop statistics regarding the scale and effects, in the U.S., of the activities of these foreign-owned businesses. The statistics include categories such as employment and employee compensation, research and development, capital expenditures, and exports and imports, and are used by a variety of interested parties including federal agencies, researchers, policymakers, and state and local officials.

Who is Covered by the BE-12 Survey?

The BE-12 Survey covers U.S. businesses in which a foreign entity holds, either directly or indirectly, ten percent or more of the voting securities of an incorporated U.S. business enterprise (or the equivalent interest in an unincorporated U.S. business) in calendar year 2017.

Subject businesses must respond to the BE-12 Survey regardless of whether the business was contacted directly by the BEA. Additional information regarding who must respond, response exceptions, such as the exception for private funds meeting certain requirements, and what form the respondent must complete can be found on the [BEA website](#).

What Information does the BE-12 Survey Collect?

The BE-12 Survey collects a range of data regarding the respondent and its operations in the U.S., although the level of data required varies depending on which form the respondent much complete. For example, respondents required to complete the most comprehensive survey form must provide information on topics such as the respondent's finances, operations, industry classification, research and development, export and import of goods, and investments and transactions with its foreign affiliates. Respondents completing the less comprehensive survey forms may have to touch on similar topics but at a less granular level. All BE-12 Survey responses are confidential.

How Do I Respond to the BE-12 Survey?

Respondents have a number of options for responding to the BE-12 Survey. The survey can be completed online using the [BEA's eFile system](#) and respondents using the eFile system have until **June 30, 2018** to complete the survey. The BEA has discontinued its prior practice of mailing the BE-12 survey to respondents. However, respondents can download the necessary forms from the [BEA website](#) and submit responses by mail, fax and hand delivery. These paper responses are due by **May 31, 2018**. Additional details regarding response submissions can be found on the BEA website.