

February 2004

International Services Surveys Conducted by the Bureau of Economic Analysis:

Reporting Requirements for Forms

**BE-9, BE-20, BE-22, BE-25, BE-29, BE-30, BE-36, BE-37, BE-45, BE-47,
BE-48, BE-80, BE-82, BE-85, BE-93**

INTRODUCTION

This brochure describes each of the mandatory surveys of U.S. international services transactions conducted by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce. For each survey, it provides information on the frequency, data to be reported, and who must report.

The legal authority for all of the surveys is the International Investment and Trade in Services Survey Act (P.L. 94-472, as amended; 22 U.S.C. 3101-3108); the BE-80 and BE-82 surveys are also authorized by the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4908). Under the International Investment and Trade in Services Survey Act, whoever is required to report but fails to do so may be subject to civil penalties (and/or criminal penalties, for willful noncompliance) and to injunctive relief commanding compliance. Under this same law, responses of individual respondents must be held confidential and may be used only for statistical and analytical purposes.

All U.S. persons who engage in covered transactions with foreign persons must report unless otherwise exempt. The term “U.S. person” is defined as any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization resident in the United States or subject to the jurisdiction of the United States.

BEA’s mandatory services surveys are:

BE-9 Quarterly Survey of Foreign Airline Operators’ Revenues and Expenses in the United States

BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons

BE-22 Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons

BE-25 Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets

BE-29 Foreign Ocean Carriers’ Expenses in the United States

BE-30 Ocean Freight Revenues and Foreign Expenses of United States Carriers

BE-36 Foreign Airline Operators’ Revenues and Expenses in the United States

BE-37 U.S. Airline Operators’ Foreign Revenues and Expenses

BE-45 Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons

BE-47 Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons

BE-48 Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons

BE-80 Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

BE-82 Annual Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

BE-85 Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

BE-93 Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons

Questions concerning forms BE-20, BE-22, BE-25, BE-45, BE-47, BE-48, BE-80, BE-82, BE-85, and BE-93 should be directed to the International Investment Division at (202) 606-5588. Questions concerning forms BE-9, BE-29, BE-30, BE-36, and BE-37 should be directed to the Balance of Payments Division at (202) 606-9589 or (202) 606-9559.

1. BE-9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States

a. Frequency:

The survey covers calendar quarters and must be filed within 50 days after the end of the calendar quarter.

b. Who must report/brief description of data to report:

U.S. offices, agents, or other representatives of foreign airline operators that transport passengers or freight and express to or from the United States must report the following data:

- Freight revenue on merchandise exported from and imported into the United States
- Shipping weights on which the freight revenues were earned
- Expenses incurred in the United States for fuel and oil, wages and salaries paid to employees in the United States, agents and brokers' fees and commissions for arrangement of freight and passengers transportation, aircraft handling and terminal services, and all other expenses incurred in the United States except aircraft leasing expenses
- Aircraft with-crew leasing expenses

c. Exemption:

A BE-9 is required where either the U.S. person's total covered revenues or total covered expenses are, or are expected to be, \$5,000,000 or more. A U.S. person is exempt from reporting if total covered revenues and total covered expenses are, or are expected to be, each less than \$5,000,000.

2. BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons

a. Frequency:

The survey is conducted once every 5 years. Previous surveys covered transactions during 1986, 1991, 1996, and 2001; the next survey will cover transactions during 2006. The 2001 survey was required to be filed by March 31, 2002.

b. Brief description of data to report:

The 2001 BE-20 covered transactions (purchases and sales, or, for some services, only purchases or only sales) with unaffiliated foreign persons in the following types of services:

Purchases and sales:

- Accounting, auditing and bookkeeping services
- Advertising services
- Agricultural services
- Auxiliary insurance services
- Computer and data processing services
- Data base and other information services
- Educational and training services
- Employment agencies and temporary help supply services
- Industrial engineering services
- Industrial-type maintenance, installation, alteration, and training services
- Legal services
- Mailing, reproduction, and commercial art
- Management of health care facilities
- Management, consulting, and public relations services
- Miscellaneous disbursements or outlays:
 - to fund news-gathering costs of broadcasters

- to fund news-gathering costs of print media
- to fund production costs of motion picture companies
- to fund production costs of broadcast program material other than news
- to maintain government tourism and business promotion offices
- to maintain sales promotion and representative offices
- Operational leasing services
- Other private services (This service consists of language translation services, security services, collection services, salvage services, satellite photography and remote sensing/satellite imaging services, space transport, and transcription services.)
- Other trade-related services
- Performing arts, sports, and other live performances, presentations, and events
- Research, development, and testing services
- Sale or purchase of rights to natural resources, and lease bonus payments
- Telecommunications services
- Use or lease of rights to natural resources, excluding lease bonus payments
- Waste treatment and de-pollution services

Sales (receipts) only:

- Merchandising services

Purchases (payments) only:

- Construction services
- Engineering, architectural, and surveying services
- Mining services
- Financial services, by firms that are not financial services intermediaries or providers
- Miscellaneous disbursements or outlays for participating in foreign trade shows
- Premiums paid or losses recovered on purchases of primary insurance

c. Who must report/exemption:

The last BE-20 was required from each U.S. person who, during its 2001 fiscal year, had transactions (either sales or purchases) with unaffiliated foreign persons in excess of \$1,000,000 in any of the services listed above. If, during the year, the U.S. person's total transactions (either sales or purchases) in any of the services were \$1,000,000 or less, the U.S. person was requested to provide, on a voluntary basis, estimates of the total for each type of service. The estimates could be judgmental, that is, based on recall, without conducting a detailed records search.

3. BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons

a. Frequency:

The survey is an annual report and must be filed by March 31 of the calendar year following the one in which the U.S. Reporter's fiscal year ends. It is conducted in years when the BE-20 benchmark survey is not conducted (the benchmark survey was conducted in 1986, 1991, 1996 and 2001, and is scheduled to be conducted every fifth year thereafter.)

b. Brief description of data to report:

Currently, the BE-22 covers transactions (purchases and sales, or, for some services, only purchases or only sales) with unaffiliated foreign persons in the following types of services:

Purchase and sales:

- Accounting, auditing, and bookkeeping services
- Advertising services
- Computer and data processing services
- Data base and other information services

Educational and training services
 Industrial engineering services
 Industrial-type maintenance, installation, alteration, and training services
 Legal services
 Management, consulting, and public relation services
 Miscellaneous disbursements or outlays:
 to fund news-gathering costs of broadcasters
 to fund news-gathering costs of print media
 to fund production costs of motion picture companies
 to fund production costs of broadcast program material other than news
 to maintain government tourism and business promotion offices
 to maintain sales promotion and representative offices
 Operational leasing services
 Other private services (This service consists of language translation services, security services, collection services, salvage services, satellite photography and remote sensing/satellite imaging services, space transport, and transcription services.)
 Performing arts, sports, and other live performances, presentations, and events
 Research, development, and testing services
 Sale or purchase of rights to natural resources, and lease bonus payments
 Telecommunications services
 Use or lease of rights to natural resources, excluding lease bonus payments

Sales (receipts) only:

Medical services, inpatient
 Medical services, other than inpatient
 Merchanting services

Purchases (payments) only:

Construction services
 Engineering, architectural, and surveying services
 Financial services, by firms that are not financial services intermediaries or providers
 Mining services
 Miscellaneous disbursements or outlays for participating in foreign trade shows
 Premiums paid or losses recovered on purchases of primary insurance

c. Who must report/exemption:

A BE-22 report is required from each U.S. person who, during the report period, has transactions (either sales or purchases) in excess of \$1,000,000 in any of the services listed above. (Note: in two cases, the \$1,000,000 exemption criterion should be applied to the combined total of transactions in two related services rather than to each service individually. These are (1) sale or purchase of rights to natural resources, and lease bonus payments and use or lease of rights to natural resources, excluding lease bonus payments; and (2) medical services, inpatient and medical services, other than inpatient.) If the U.S. person's total transactions (either sales or purchases) with unaffiliated foreign persons in any of the services were \$1,000,000 or less, the U.S. person is requested to provide, on a voluntary basis, an estimate of the total for each type of service. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search.

4. BE-25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and Intangible Assets

a. Frequency:

The survey is a quarterly report and must be filed within 45 days after the close of each fiscal quarter (or within 90 days after the close of the final quarter of the U.S. reporter's fiscal year.)

b. Brief description of data to report:

The BE-25 covers transactions (purchases and sales) with unaffiliated foreign persons in the following types of services:

Purchases and sales:

- Accounting, auditing, and bookkeeping services
- Computer and data processing services
- Construction services
- Foreign expenses related to construction services receipts
- Data base and other information services
- Engineering, architectural, and surveying services
- Industrial engineering services
- Industrial-type maintenance, installation, alteration, and training services
- Legal services
- Management, consulting, and public relations services
- Operational leasing services
- Research, development, and testing services
- Telecommunications services

The BE-25 collects the following data from U.S. persons who have entered into agreements with unaffiliated foreign persons to buy, sell, or use intangible assets or proprietary rights:

Receipts and payments of rights related to:

- Industrial processes and products
- Books, compact disks, audio tapes, etc
- Trademarks, etc
- Performances and events pre-recorded on motion picture film and TV tape
- Broadcast and recording of live performances and events
- General use computer software
- Other intangibles (must be specified)

Receipts and payments of:

- Business format franchising fees

c. Who must report/exemption:

A BE-25 report is required from each U.S. person that had/has receipts from an unaffiliated foreign person in any of the types of transactions listed above that exceeded \$6,000,000 during the previous fiscal year, or can be expected to exceed \$6,000,000 in the current year; or had/has payments to unaffiliated foreign persons in any of types of transactions listed above that exceeded \$4,000,000 during the previous fiscal year, or can be expected to exceed \$4,000,000 in the current year. If, during the U.S. person's previous fiscal year or current fiscal year, the U.S. person's total transactions in any types of transactions listed above were, or are expected to be \$6,000,000 or less for receipts or \$4,000,000 or less for payments, the U.S. person is requested to provide an estimate for the total for each type of transaction. The estimates may be judgmental, that is, based on recall, without conducting a manual records search.

5. BE-29, Foreign Ocean Carriers' Expenses in the United States

a. Frequency:

The survey covers calendar years and must be filed within 90 days after the end of the calendar year.

b. Who must report/brief description of data to report:

U.S. agents of foreign ocean carriers must report all relevant transactions of which they have knowledge on port services provided or obtained by them for foreign carriers, and on port services provided by third persons, including:

- Port call expenses
- Cargo expenses
- Fuel expenses
- Other vessel expenses
- Other expenses
- Shipping weight of cargo handled

c. Exemption:

A BE-29 is required if the U.S. agent handled at least forty port calls by foreign vessels, and total covered expenses are \$250,000 or more. A U.S. agent is exempt from reporting if either the total number of port calls by foreign vessels handled in the reporting period is less than forty or if total covered expenses are less than \$250,000.

6. BE-30, Ocean Freight Revenues and Foreign Expenses of United States Carriers

a. Frequency:

The survey covers calendar quarters and must be filed within 50 days after the end of the calendar quarter.

b. Who must report/brief description of data to report:

U.S. carriers (owners or operators) must report the following data by individual foreign country:

- Revenue on cargo outbound from U.S. ports
- Outbound cargo shipping weight
- Revenue on cross-trade cargoes
- Charter hire with-crew and space leasing paid
- Charter hire with-crew and space leasing received
- Expenses in foreign countries
- Revenue on cargo inbound into the United States
- Inbound cargo shipping weight

c. Exemption:

A BE-30 is required if either total covered revenues or total covered expenses of a U.S. carrier are, or are expected to be, \$500,000 or more. A U.S. carrier is exempt from reporting if both total covered expenses and total covered revenues are, or are expected to be, each less than \$500,000.

7. BE-36, Foreign Airline Operator's Revenues and Expenses in the United States

a. Frequency:

The survey covers calendar years and must be filed within 90 days after the end of the calendar year.

b. Who must report/brief description of data to report:

Reports are required from U.S. offices, agents, or other representatives of foreign airline operators that transport passengers or freight and express to or from the United States. The following data must be reported:

- Freight revenue on merchandise exported from and imported into the United States

Shipping weights on which the freight revenues were earned
 Expenses incurred in the United States for fuel and oil, wages and salaries paid to employees in the United States, agents and brokers' fees and commissions for arrangement of freight and passenger transportation, aircraft handling and terminal services, and all other expenses incurred in the United States except aircraft leasing expenses
 Aircraft with-crew leasing expenses

c. Exemption:

A BE-36 is required if either total covered revenues or total covered expenses incurred in the United States are \$500,000 or more. A person is exempt from reporting if total covered revenues and total covered expenses incurred in the United States are each less than \$500,000.

8. BE-37, U.S. Airline Operators' Foreign Revenues and Expenses

a. Frequency:

The survey covers calendar quarters and must be filed within 50 days after the end of the calendar quarter.

b. Who must report/brief description of data to report:

U.S. airline operators engaged in international transportation of U.S. export freight and the transportation of freight and passengers between foreign points must report the following data:

Total revenue derived from carriage of export freight and express from the United States to points outside the United States

Total revenue derived from carriage of freight and express originating from, and destined to, points outside the United States

Expenses incurred outside the United States for fuel and oil, station and maintenance bases, wages, and other goods and services purchased abroad except aircraft leasing expenses

Aircraft with-crew leasing expenses

Total revenue from carriage of passengers originating from and destined to points outside the United States

Interline settlement receipts from and payments to foreign airline operators

c. Exemption:

A BE-37 is required where either the U.S. airline operator's total annual covered revenues or total annual covered expenses are, or are expected to be, \$500,000 or more. A U.S. airline operator is exempt from reporting if both total annual covered revenues and total annual covered expenses are, or are expected to be, each less than \$500,000.

9. BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons

a. Frequency:

The survey is a quarterly report and must be filed within 60 days after the close of each fiscal quarter (or within 90 days after the close of the final quarter of the U.S. reporter's fiscal year).

b. Brief description of data to report:

U.S. insurance companies that have engaged in insurance transactions must report the following data:

Reinsurance premiums earned from insurance companies resident abroad

Reinsurance premiums ceded to insurance companies resident abroad

Losses on reinsurance assumed from insurance companies resident abroad
 Losses recovered on reinsurance ceded to insurance companies resident abroad
 Premiums earned from primary insurance sold to foreign persons
 Losses on primary insurance sold to foreign persons
 Auxiliary insurance services, receipts
 Auxiliary insurance services, payments

(Note: Auxiliary insurance services include agent's commissions, insurance brokering and agency services, insurance consulting services, evaluation and adjustment services, actuarial services, salvage administration services, and regulatory and monitoring services on indemnities and recovery services.)

c. Who must report/exemption:

A BE-45 is required for U.S. persons that have engaged in reinsurance transactions with foreign persons, that have earned premiums from or incurred losses to, foreign persons in the capacity of primary insurers, or that may have been engaged in international sale or purchase transactions in services auxiliary to insurance and with respect to these transactions if any of the above items was greater than positive \$8,000,000 or less than negative \$8,000,000 for the previous calendar year or can expected to be in the current calendar year. A U.S. person is exempt from reporting if, with respect to transactions with foreign persons, each of the above eight items was less than \$8,000,000 during the past and current year. If the exemption applies, then the U.S. person is requested to provide an estimate for the total for each type of transaction. The estimates may be judgmental, that is, based on recall, without conducting a manual records search.

10. BE-47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons

a. Frequency:

The survey is an annual report and must be filed by March 31 of the calendar year following the one in which the U.S. reporter's fiscal year ends.

b. Brief description of data to report:

The BE-47 collects the following data on construction services; engineering, architectural, and surveying services; and mining services performed for unaffiliated foreign persons:

Gross value of new contracts received
 Gross operating revenues (sales)
 Project-related U.S. merchandise exports
 Foreign expenses or disbursements

c. Who must report/exemption:

A BE-47 is required if either the gross value of new contracts received or gross operating revenues for all countries and all projects combined is \$1,000,000 or more. It must be files by each U.S. person providing the following types of services to unaffiliated foreign persons:

Services of a general contractor 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
 Mining services in the development and operation of mineral properties, including oil and gas field services

A U.S. person is exempt from reporting if, with respect to transactions with unaffiliated foreign persons, both the gross value of new contracts received and gross operating revenues for all countries and all projects combined were less than \$1,000,000 during the year.

11. BE-48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons

a. Frequency:

The survey is an annual report and must be filed by March 31 of the calendar year following the one in which the U.S. reporter's fiscal year ends.

b. Brief description of data to report:

U.S. persons who have engaged in reinsurance transactions with foreign persons, or who have earned premiums from, or incurred losses to, foreign persons in the capacity of primary insurers must report the following data:

- Premiums earned on reinsurance assumed from insurance companies resident abroad
- Losses incurred on reinsurance assumed from insurance companies resident abroad
- Premiums incurred on reinsurance ceded to insurance companies resident abroad
- Losses recovered on reinsurance ceded to insurance companies resident abroad
- Premiums earned on primary insurance sold to foreign persons
- Losses incurred on primary insurance sold to foreign persons

c. Who must report/exemption:

A BE-48 is required if the U.S. person's transactions during the year with affiliated and unaffiliated foreign persons combined in any of the six items listed above was more than \$2,000,000. A U.S. person is exempt from reporting if, with respect to transactions with foreign persons, each of the above six items was \$2,000,000 or less during the year.

12. BE-80, Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

a. Frequency:

The survey is conducted once every 5 years. Previous surveys covered transactions during 1994, and 1999; the next survey will cover transactions during 2004. The 1999 BE-80, consisting of Form BE-80(A) (Report for Consolidated U.S. Enterprise) and, as appropriate, one or more Forms BE-80(B) (Report for Financial Services Providers), was due May 31, 2000.

b. Brief description of data to report:

The 1999 BE-80 covered purchases from and sales to unaffiliated foreign persons of financial services. Purchases and sales data were separately reported for each of the following types of financial services:

- Brokerage, including foreign exchange brokerage services
- Underwriting and private placement services
- Financial management services
- Credit-related services, except credit card services
- Credit card services
- Financial advisory and custody services
- Securities lending services
- Electronic funds transfer services
- "Other" financial services (must be specified)

c. Who must report/exemption:

On the 1999 survey a BE-80 was required from each U.S. person who, during the reporting period, had transactions (either sales or purchases) in excess of \$3,000,000 in all covered financial services combined. If, during the year, the U.S. person's total financial services transactions (either sales or purchases) were \$3,000,000 or less, the U.S. person was requested to provide, on a voluntary basis, an estimate of the total for each type of financial service. The estimates could be judgmental, that is, based on recall, without conducting a detailed records search.

13. BE-82, Annual Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

a. Frequency:

The survey is an annual report and must be filed by March 31 of the calendar year following the one in which the U.S. Reporter's fiscal year ends. It is conducted in years when the BE-80 benchmark survey is not conducted (the benchmark survey was conducted in 1994 and 1999 and is scheduled to be conducted every fifth year thereafter.)

b. Brief description of data to report:

- Brokerage, including foreign exchange brokerage services
- Underwriting and private placement services
- Financial management services
- Credit-related services, except credit card services
- Credit card services
- Financial advisory and custody services
- Securities lending services
- Electronic funds transfer services
- "Other" financial services (must be specified)

c. Who must report/exemption:

A BE-82 is required from each U.S. Person who, during its fiscal year, had transactions (either sales or purchases) in excess of \$10,000,000 in all covered financial services combined. If, during the year, the U.S. person's total financial services transactions (either sales or purchases) were \$10,000,000 or less, the U.S. person is requested to provide, on a voluntary basis, an estimate of the total for each type of financial service. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search.

14. BE-85, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons

a. Frequency:

The survey is a quarterly report and must be filed within 45 days after the close of each fiscal quarter (or within 90 days after the close of the final quarter of the U.S. reporter's fiscal year.)

b. Brief description of data to report:

The survey covers purchases from and sales to unaffiliated foreign persons of financial services. Purchases and sales data must be separately reported for each of the following types of financial services:

- Brokerage, including foreign exchange brokerage services
- Underwriting and private placement services

- Financial management services
- Credit-related services, except credit card services
- Credit card services
- Financial advisory and custody services
- Securities lending services
- Electronic funds transfer services
- “Other” financial services (must be specified)

c. Who must report/exemption:

A BE-85 is required from each U.S. person that had transactions with unaffiliated foreign persons in all financial services receipts combined in excess of \$20,000,000 for the previous fiscal year or is expected to exceed that amount the current fiscal year or had transactions with unaffiliated foreign person in all financial services payments combined in excess of \$15,000,000 for the previous fiscal year or is expected to exceed that amount the current fiscal year. If covered sales were \$20,000,000 or less, or if your covered purchases were \$15,000,000 or less during your previous fiscal year and are expected to be at or below these amounts for the current fiscal year, the U.S. person is requested to provide, on a voluntary basis, an estimate of the total for each type of financial service. The estimates may be judgmental, that is, based on recall, without conducting a detailed records search.

15. BE-93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons

a. Frequency:

The survey is an annual report and must be filed by March 31 of the calendar year following the one in which the U.S. reporter’s fiscal year ends.

b. Brief description of data to report:

The BE-93 collects the following data from U.S. persons who have entered into agreements with unaffiliated foreign persons to buy, sell, or use intangible assets or proprietary rights:

Receipts and payment of rights related to:

- Industrial processes and products
- Books, compact discs, audio tapes, etc.
- Trademarks, etc.
- Performances and events pre-recorded on motion picture film and TV tape
- Broadcast and recording of live performances and events
- General use computer software
- “other” intangibles (must be specified)

Receipts and payments of:

- Business format franchising fees

c. Who Must Report/Exemption

A BE-93 is required if the total of covered receipts from or payments to unaffiliated foreign persons were more than \$2,000,000 during the year. A U.S. person is exempt if receipts and payments for each of the types or intangible assets covered were less than or equal to \$2,000,000 during the year.