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Highlights of This Month's Edition

In Brief

Chinese Regulators Issue Draft Rules for Listings Using Variable Interest Entities

On December 24, the China Securities Regulatory Commission (CSRC) released draft regulations giving the agency jurisdiction over Chinese companies seeking to conduct IPOs abroad using variable interest entities (VIEs). VIEs are a method of listing overseas used by many Chinese companies operating in sectors that receive increased scrutiny from Chinese regulators, such as e-commerce and technology.[1] Some of China's best-known global firms, including Alibaba and Tencent, have listed abroad using VIEs.[2] Under the draft regulations, all Chinese companies listing on foreign markets—including those doing so indirectly—will have to submit materials, including a prospectus, to the CSRC within three days of submitting the offshore application, after which the CSRC has 20 working days to decide whether the company can proceed.[*] [3] Currently, the CSRC only has jurisdiction to review listings by companies incorporated in China; VIEs are typically incorporated in the Cayman Islands.[4]

[*] According to an interview with a CSRC spokesperson, the regulator may ask for supplementary material if it deems an application incomplete. It may also solicit feedback on the application from other agencies in the course of its review, which will not be counted in the 20 working day review period. China Securities Regulatory Commission, "CSRC's Relevant Responsible People Answer Reporters'

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The CSRC regulations mark a departure from the Chinese government's previous treatment of VIEs, which was on a sector-by-sector basis. For example, regulations released in July 2021 prohibited the use of VIEs in China's nonstate education sector.[5] Some observers have said that the issuance of these regulations marks the Chinese government's acceptance of VIEs, traditionally viewed as a legally murky way to list abroad.[6] According to an op-ed published in Chinese financial publication *Caixin*, however, the CSRC's rules do not imply the government's endorsement of VIEs, which still require the approval of other regulatory agencies, including the National Development and Reform Commission (NDRC, the state economic planner) and the Ministry of Commerce.[*] [7]

As Phase One Deal Expires, China's Compliance Incomplete and Uneven

On December 31, the Phase One Economic and Trade Agreement[†] between the United States and China expired. China's compliance with the agreement has been uneven.[‡] For example:

- *Financial services opening:* Among other items, the Chinese government agreed to review pending license applications of U.S. companies in its asset management and securities industries, though these commitments were largely restatements or minor improvements on pledges already in progress.[§] Four U.S. financial services firms have received the Chinese government's approval to establish wealth management and/or mutual fund businesses.[8]
- *Intellectual property (IP) protection:* The Chinese government agreed to address longstanding concerns over China's administration of the IP lifecycle as well as develop an action plan to bolster IP protection. From October 2020 to January 2021, China amended its Patent Law, Copyright Law, and Criminal Law, leading some rightsholders to report marginal improvements in IP enforcement.[9] An April 2020 action plan to strengthen IP protection, however, may lack the institutional strength necessary for implementation.[10] Additionally, while the Chinese government has promised time and again it would strengthen IP rights protection, China was again placed on the U.S. Trade Representative's (USTR) "Priority Watch List" in its 2021 Special 301 Report for the 17th year in a row. The report observed select IP issues remain unresolved, such as continued bad faith trademarks and rampant counterfeiting in the Chinese market.[11]
- *Purchase commitments:* According to Chad Bown, senior fellow at the Peterson Institute for International Economics, U.S. exports to China of products covered under the Phase One agreement from January 2020 to November 2021 stood at \$199.2 billion, or 60.2 percent of a prorated Phase One target of \$330.9 billion.[12]

The Biden Administration has not yet commented publicly on China's compliance with the agreement since it expired, nor has it outlined how future bilateral economic and trade negotiations may be managed. Under

Questions" (证监会有关负责人答记者问), December 24, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:fo75o9yIdCMJ:www.csrc.gov.cn/csrc/c100028/c1662240/content.shtml+&cd=7&hl=en&ct=clnk&gl=us*.

[*] Additionally, in February the Cyberspace Administration of China will begin implementing a requirement that platform companies with data of more than 1 million users complete a security review before being able to list abroad. *PYMNTS*, "China Tightens Rules, Requires Company Data Review before Listing Overseas," January 4, 2022. *https://www.pymnts.com/news/international/2022/china-tightens-rules-requires-company-data-review-before-listing-overseas/*.

[†] The "Phase One" agreement was signed on January 15, 2020, and formed part of an effort to resolve trade tensions ongoing since March 2018, when the Office of the U.S. Trade Representative published its Section 301 investigation into China's unfair trade practices related to forced technology transfer, IP theft, and innovation. The deal includes commitments by China to purchase an additional \$200 billion worth of U.S. products over 2017 levels in four sectors (manufactured goods, services, agricultural products, and energy) from 2020 to 2022. China also made new promises not to manipulate its currency, protect foreign IP, and refrain from forcing foreign companies to transfer technology. For more on the Phase One agreement, see U.S.-China Economic and Security Review Commission, *The U.S.-China "Phase One" Deal: A Backgrounder*, February 4, 2020. *https://www.uscc.gov/sites/default/files/2020-02/U.S.-China%20Trade%20Deal%20Issue%20Brief.pdf*.

[‡] For a comprehensive review of China's compliance with the agreement, see U.S.-China Economic and Security Review Commission, "Addendum: China's Phase One Trade Agreement Commitments and Compliance Status," in *2021 Annual Report to Congress*, Chapter 2, Section 1, "Year in Review: Economics and Trade," November 2021, 153–154. *https://www.uscc.gov/sites/default/files/2021-11/Chapter_2_Section_1--Year_in_Review-Economics_and_Trade.pdf*.

[§] For more on China's commitments to open its financial services under the Phase One agreement, see U.S.-China Economic and Security Review Commission, Chapter 2, Section 1, "Year in Review: Economics and Trade," in *2020 Annual Report to Congress*, December 2021, 226–230. *https://www.uscc.gov/sites/default/files/2020-12/Chapter_2_Section_1--Year_in_Review-Economics_and_Trade.pdf*.

the Phase One agreement, the United States could choose to apply new tariffs or restore those that were reduced as part of the deal to compel additional purchases from China or further action on structural issues, such as forced technology transfer.[13] U.S. Trade Representative Katherine Tai has acknowledged the Phase One agreement "did not meaningfully address the fundamental concerns [the United States] has with China's trade practices" but also observes the agreement will serve as the "architecture" of the bilateral economic relationship moving forward.[14]

Regional Comprehensive Economic Partnership Effective in 2022

On January 1, 2022, the Regional Comprehensive Economic Partnership (RCEP) came into effect following ratification by 10 of its 15 members.[*] [15] While ASEAN countries have principally steered the deal, China claims the passage as a key geopolitical success and has framed the deal as evidence of its regional leadership.[16] RCEP is expected to streamline some aspects of inter-ASEAN trade; increase flows between Northeast Asia and ASEAN countries; and, in particular, boost trade among China, Japan, and South Korea.[17] The deal is poised to strengthen China's supply chain resiliency through deeper integration between ASEAN suppliers and Chinese manufacturers.[18] Meanwhile, U.S. products may be less competitive in Asia as both RCEP and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership deepen regional trade integration.[19] U.S. multinational companies may focus or increase production in RCEP member countries to take advantage of the agreement's more flexible rules of origin[†] that will eliminate longstanding barriers to trade in the region.[20]

Chinese Regulators Issue New Negative List for Foreign Investment

China's Ministry of Commerce and the NDRC have fully removed foreign investment restrictions for China's domestic automobile industry with the latest release of the negative list for foreign investment. Restrictions on foreign investment remain in 31 sectors, such as telecommunications, news media, and rare earth mining.[21] For almost three decades, foreign manufacturers could only own up to 50 percent in auto manufacturing joint ventures, although the NDRC announced in 2018 it would phase out investment restrictions in the sector by 2022.[‡] [22] Restrictions on investment in new energy vehicle (NEV) manufacturers were removed in 2018, followed by commercial vehicle producers in 2020. Now, the revised list lifted the remaining restrictions on investment in passenger vehicle manufacturers, a segment of the auto market which accounts for 80 percent of China's auto market.[23] Over 65 percent of passenger cars sold in China are foreign branded, and around 10 percent of all passenger cars sold are U.S. brands.[§] [24]

[*] Australia, Brunei Darussalam, Cambodia, China, Japan, Laos, New Zealand, Singapore, Thailand, and Vietnam have all ratified RCEP. In February 2022, South Korea will also ratify the deal, with Indonesia, Malaysia, Myanmar, and the Philippines remaining to implement. RCEP's 15 signatories cover just over 30 percent of the world's population and global gross domestic product. Association for Southeast Asian Nations, "RCEP Agreement Enters into Force," January 1, 2022. *https://asean.org/rcep-agreement-enters-into-force/*.

[†] RCEP's rules of origin chapter extends preferential treatment for "originating" goods across the 15 countries, allowing for increased flexibility and greater integration of supply chains across the region. The new rules permit goods from one member country used as an intermediate good in another member country to be considered as originating in the second member country. Anne Petterd et al., "Understanding the Regional Comprehensive Economic Partnership Agreement (RCEP)," *Baker McKenzie*, December 2020. *https://www.bakermckenzie.com/-/media/files/insight/publications/2020/12/bakermckenzie_understandingrcep_dec2020.pdf?la=en*.

[‡] Although foreign auto brands including Jeep and Audi began establishing joint ventures with Chinese manufacturers in the 1980s, China first formalized its ownership restrictions in 1994 when it issued the Policy for the Automotive Industry. Under the policy, an overseas company cannot hold more than 50 percent of a Sino-Foreign automobile joint venture, and foreign firms are limited to entering no more than two joint ventures to assemble the same model of motor vehicle (the so-called "50% + 2" rule). These rules were not significantly changed until the 2017 Foreign Investment Catalogue, which removed the "two joint ventures" limitation just for the electric vehicle industry. Mark Schaub and Atticus Zhao, "The Impact of China Removal of Foreign Ownership Restrictions in Auto Sector," *King & Wood Mallesons*, April 14, 2020. *https://www.kwm.com/de/en/insights/latest-thinking/impact-of-china-removal-of-foreign-ownership-restrictions-in-auto-sector.html*; China Ministry of Commerce, *Formal Policy on Development of Automotive Industry*, February 19, 1994. *http://webcache.googleusercontent.com/search?q=cache:VO1Ato-TQdMJ:english.mofcom.gov.cn/aarticle/lawsdata/chineselaw/200211/20021100053370.html+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-b-1-d*.

[§] According to McKinsey & Company, U.S. brands accounted for 11 percent of total passenger vehicle sales in 2018, behind Chinese (35 percent), German (25 percent), and Japanese (21 percent) brands. *McKinsey*, "Winning the Race: China's Auto Market Shifts Gears," December 2019, 29. *https://www.mckinsey.com/~/media/mckinsey/industries/automotive%20and%20assembly/our%20insights/winning%20the%20race%20chinas%20auto%20market%20shifts%20gears/winning-the-race-chinas-auto-market-shifts-gears.ashx*.

Controlling ownership of their Chinese operations likely comes too late to change U.S. and other foreign automakers' approach to the market. China's long delay in lifting investment restrictions protected local companies from international competition until they were able secure a domestic foothold.[*] [25] As a result, many foreign automakers say they rely on their relationships with Chinese joint venture partners to produce cheaply enough for the Chinese market, making it unlikely that automakers will buy out their Chinese partner's shares in the joint venture. Even in China's more dynamic NEV market, so far only Tesla has established a wholly-foreign owned manufacturing plant.[26]

China Consolidates Rare Earths Firms

China is further consolidating its rare earths industry, approving a three-way merger to form one of the world's largest rare earths companies in December 2021. State-owned miners Aluminum Corporation of China, China Minmetals, and Ganzhou Rare Earth Group, reorganized their rare earths mining and production assets into a new entity based in Jiangxi Province called China Rare Earth Group.[27] The conglomerate will control 40 percent of China's rare earths mine output, or around one-quarter of global mine production using 2020 figures.[28] Earlier in the month, the state-owned China Northern Rare Earth (Group) High-Tech, which in 2021 controlled around 60 percent of China's rare earths mine production, formed a strategic partnership with another nonstate rare earths miner, China Rare Earth Holdings. The firms will coordinate to extract and process rare earths in northern province Inner Mongolia, which has over 80 percent of China's proven rare earths deposits.[29]

The merger is designed to strengthen China's domination of global supply chains for the strategic elements. Rare earth elements' magnetic and conductive properties make them critical components in high-technology applications such as electric vehicles, smart phones, and wind turbines, and China holds an outsized position in both mining and processing the elements.[30] Mines in China produced around 60 percent of the world's supply of all rare earths in 2020, according to the U.S. Geological Survey.[31] The country controls an estimated 85 percent of processing to turn rare earths into useful components, such as alloys and permanent magnets.[†] [32] China's government has been consolidating its rare earths extraction, processing, and export for over a decade, bringing production under six main entities and establishing production and export quotas in attempt to increase prices.

China has both internal and external motivations for further consolidating its rare earths industry:

- *International motivations:* China wants to increase its global pricing power for rare earths; however, domestic competition between multiple rare earths firms has put downward pressure on prices. In a February 2021 press conference, Ministry of Industry and Information head Xiao Yaqing illustrated these dynamics, noting, "Our rare earths did not sell at the 'rare' price but sold at the 'earth' [‡] price ... because of competitive bidding, which

[*] Investment restrictions are one of many policies China uses to advantage domestic firms over foreign automakers. European automakers operating in China surveyed by the EU Chamber of Commerce in China noted that regulators favor domestic firms in the policy and standards-setting process, while new rules are ambiguous and imposed with little advance notice. Foreign new energy vehicle (NEV) manufacturers have also been harmed by government subsidies in connection with the purchase of Chinese—but not foreign—NEVs. European Union Chamber of Commerce in China, "European Business in China Position Paper 2021/2022," September 2021, 189–190. *https://web.archive.org/web/20211218121347/https://www.europeanchamber.com.cn/en/publications-position-paper*; Office of the U.S. Trade Representative, *2019 Report to Congress on China's WTO Compliance*, March 2020, A–61. *https://ustr.gov/sites/default/files/2019_Report_on_China%E2%80%99s_WTO_Compliance.pdf*.

[†] As the U.S. Department of Defense notes, estimates of rare earths markets can be unreliable because "producers and consumers do not report production or consumption data; and although third-party pricing data exists, there is little or no certainty that market participants close their business deals at the published prices." White House and U.S. Department of Defense, *Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth*, June 2021, 190. *https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf*.

[‡] The character for "earth" 土 in Chinese is the same as the character for "soil."

wasted the precious resource."[*] [33] In line with China's 14th Five-Year Plan for the Raw Materials Industry,[†] consolidation also fits in with a larger strategy to move up the global raw materials value chain by developing cutting-edge processing as well as new applications for rare earths.[34] Additionally, increasing government efforts to strengthen the competitiveness of China's rare earths industry may be a reaction to moves by the United States, Japan, and Australia to develop alternative sources.[‡]

- *Domestic motivations:* Consolidation may be intended to help address the problem of a fragmented domestic market where firms negotiate rare earths prices on an individual basis without a unified price formation mechanism and trading platforms function at the provincial level.[35] By creating fewer industry players, Chinese policymakers hope to reduce transaction costs and market inefficiencies due to such fragmentation. Additionally, consolidation may support China's efforts to reduce the harsh environmental impact of rare earths mining by shutting down smaller, dirtier operations while increasing centralized oversight to improve regulatory compliance.[36]

China's consolidation in the rare earths industry is a component of broader reforms aimed at strengthening the state's role in China's economy, a key point of contention in the U.S.-China economic relationship. Rare earths is one of many industries for which local fragmentation became endemic in the early 2000's as a result of subnational governments' support for local champions to boost economic growth and meet industrial policy targets within their jurisdiction. In response, Chinese policymakers have initiated successive waves of industrial consolidation, creating large state-owned conglomerates in sectors like shipping, commerce, construction, steel, and energy to support domestic price stabilization and market unification.[§] [37] Such consolidation has allowed state-owned enterprises (SOEs) to establish domestic monopolies while their access to state subsidies and inexpensive credit gives them an edge over competitors in global markets. Consolidation has also been a component of broader SOE reforms aimed at improving the innovative capacity of state firms by deepening their resources for R&D expenditure while reinforcing their compliance with innovation policy targets. The results of these efforts can be seen in China's shipping and rail sectors, where SOE mergers and acquisitions helped Chinese firms move up the value chain into the logistics industry.[38]

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[*] China has historically exercised significant pricing power in the global market for rare earths. Since the 1980s, industrial policies, including export tax rebates, export quotas, domestic protectionism, and access to foreign technologies, have supported Chinese rare earths companies and allowed them to increase their global market share at the expense of competitors like the United States. While the United States once held the majority of global rare earths market share, Chinese state support allowed Chinese companies to undercut U.S. prices and eventually forced the last U.S. rare earths mine in Mountain Pass, California, to close in 2002, though it was later reopened in 2010. Upon solidifying dominance over the global market, China later reduced its export quotas in 2010, causing global rare earths prices to skyrocket, thus harming U.S. tech manufacturers while preserving supply for Chinese competitors. In response, the United States, EU, and Japan filed a number of trade disputes with the WTO, which ruled that China's policies were discriminatory and forced it to end its policy of export quotas in 2015. Center for Strategic and International Studies, "Does China Pose a Threat to Global Rare Earth Supply Chains?" *https://chinapower.csis.org/china-rare-earths/*; John Xie, "California Mine Becomes Key Part of Push to Revive US Rare Earths Processing," *Voice of America*, December 31, 2020. *https://www.voanews.com/a/usa_california-mine-becomes-key-part-push-revive-us-rare-earths-processing/6200183.html*.

[†] Rare earths comprise a small portion of China's raw materials industry addressed in the document, which includes other major heavy industries such as cement, aluminum, and steel.

[‡] Efforts to upgrade China's rare earths industry include a plan initiated in April 2021 by Baotou City in Inner Mongolia to subsidize research into and production of new rare earth components, an area where China lags behind other advanced economies. These efforts are aimed at absorbing an overcapacity of light rare earths. The plan focuses on promoting deep processing of rare earth products and refining of new materials using rare earths for steel, automobile, petrochemicals, and other industrial applications. Mary Hui, "China's Rare Earth Hub Is Rolling Out Massive Subsidies to Fix the Industry's Achilles Heel," *Quartz*, July 15, 2021. *https://qz.com/2031940/chinas-rare-earth-hub-baotou-introduces-massive-subsidies/*; Baotou City People's Government Office, *Baotou City Supporting Policies for Promoting the Development of Rare Earth New Materials and Applications Industry* [包头市促进稀土新材料及应用产业发展扶持政策], April 24, 2021. *https://webcache.googleusercontent.com/search?q=cache:nO-Kq4wlRYMJ:https://www.baotou.gov.cn/info/egovinfo/1001/zwgkbf/copy_2_xxgk_nry/011536003001/2021-00529.htm+&cd=2&hl=en&ct=clnk&gl=us*; *Argus*, "China's Inner Mongolia to Raise RE Magnet Production," February 19, 2021. *https://www.argusmedia.com/en/news/2188534-chinas-inner-mongolia-to-raise-re-magnet-production*; Mary Hui, "China Is Feeling Insecure about Its Global Rare Earths Dominance," *Quartz*, January 28, 2021. *https://qz.com/1962580/china-is-insecure-about-its-global-rare-earths-dominance/*.

[§] For more on China's efforts to consolidate state-owned enterprises, see Sean O'Connor, "SOE Megamergers Signal New Direction in China's Economic Policy," *U.S.-China Economic and Security Review Commission*, May 24, 2018. *https://www.uscc.gov/sites/default/files/Research/SOE%20Megamergers.pdf*.

U.S. Reliance on Chinese Rare Earths Prompts Government Action

China's dominance over the rare earths supply chain creates vulnerabilities for the United States, as China supplied approximately 74 percent of U.S. rare earths imports by value in 2020.[*] [39] China moved to leverage U.S. dependence on its rare earths exports when in 2019, amid ongoing trade tensions, it threatened to cut off rare earths exports to the United States after raising tariffs on its imports of U.S. rare earths.[40] Other major technology-producing nations such as South Korea and Germany also rely on China for rare earths, respectively sourcing 92 and 80 percent of their imports from China in 2020.[41] After China briefly cut off exports to Japan in 2010 amid rising tensions regarding China's extraterritorial claims over the Senkaku Islands, Japan reduce its reliance on Chinese rare earths by diversifying suppliers and investing in non-Chinese operations internationally.[42] In 2020, 25 percent of Japan's imports by value came from China, compared to 88 percent in 2010.[43]

The U.S. government his pursuing several measures to reduce U.S. reliance on Chinese rare earths, including the following:

- *Executive orders:* Since 2017, the White House has issued three executive orders intended to increase U.S. supply chain security for rare earths and other critical minerals.[†]
- *Federal funding to boost U.S. domestic production:* Since 2017, The U.S. Department of Defense has invested over $43 million to increase domestic production through projects including an upgrade at the Mountain Pass mine in California and development of new processing and production facilities in Honda, Texas.[44] In 2018, a U.S. Department of Energy innovation center for critical minerals at the Ames Laboratory developed a new method of recycling rare earth metals.[45] The Department of Energy further announced $28.35 million in research and development cost sharing for rare earths processing technologies in 2021.[46]
- *Multilateral coordination:* The United States, Japan, and Australia have cooperated extensively to diversify the rare earths supply chain and have coinvested in one another's industries.[47] In 2022, Australia also plans to host a clean energy supply chain summit for the members of the Quadrilateral Security Dialogue (the United States, Japan, and India).[48]

China challenges U.S. firms about Uyghur Forced Labor Prevention Act

On December 23, 2021, President Joe Biden signed the Uyghur Forced Labor Prevention Act into law.[49] The law effectively places a ban on the import of products "mined, produced, or manufactured wholly or in part" from Xinjiang by applying a presumption that such goods were manufactured with forced labor, unless importers can prove otherwise.[50] It also strengthens overall due diligence requirements, requiring importers to review supply chains to ensure goods sourced from China do not have components originating from Xinjiang.[51] The law builds on

[*] As of 2020, China accounted for approximately 36.7 percent of global proven rare earths reserves while the United States only accounted for 1.2 percent. Major technology-producing nations like South Korea, Germany, and Japan each accounted for less than .3 percent of global proven reserves. *Reuters*, "U.S. Dependence on China's Rare Earth: Trade War Vulnerability," June 27, 2019. *https://www.reuters.com/article/us-usa-trade-china-rareearth-explainer/u-s-dependence-on-chinas-rare-earth-trade-war-vulnerability-idUSKCN1TS3AQ*; U.S. Geological Survey, *Rare Earths*, January 2021. *https://pubs.usgs.gov/periodicals/mcs2021/mcs2021-rare-earths.pdf*.

[†] Executive Order 13817, issued in 2017, mandated a report to identify critical minerals as well as supply chain vulnerabilities, while Executive Order 13953, issued in 2020, declared a national emergency based on significant dependence on "foreign adversaries."[†] Executive Order 14017, issued in 2021, mandated a 100-day review of critical supply chains including rare earths and charged relevant agencies and groups with issuing policy recommendations. White House, *Executive Order on America's Supply Chains*, February 24, 2021. *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/*; Trump White House, "Executive Order on Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries," September 30, 2020. *https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-addressing-threat-domestic-supply-chain-reliance-critical-minerals-foreign-adversaries/.*

prior Withhold Release Orders* that U.S. Customs and Border Protection (CBP) issued between 2020 and 2021 to prevent the import of tomatoes, cotton, and technology products from Xinjiang. The law also expands authorization for the U.S. Department of the Treasury to enact sanctions on foreign persons connected to forced labor in Xinjiang under the Uyghur Human Rights Policy Act.[52]

U.S. companies face increasing challenges trying to comply with U.S. law and appease the Chinese government. In December, Intel publicly apologized on Chinese social media after it sent a letter to its suppliers with instructions to cease sourcing labor and goods from Xinjiang.[53] Chinese netizens also alleged Walmart subsidiary Sam's Club removed Xinjiang-origin products from its online app, though a Sam's club representative said Chinese customers did not find products from Xinjiang because the app did not support searches based on place names.[54] In response to the allegations, the CCP's anticorruption agency, the Central Commission for Disciplinary Inspection, released a statement intimating repercussions and implicitly threatening a boycott.[55] The statement noted China's status as Walmart's second-largest market and referenced clothing retailer H&M's March 2020 divestment from Xinjiang cotton, which sparked a boycott of the company by Chinese customers and e-commerce firms.[56] As a Jamestown Foundation *China Brief* elucidates, the CCP has some 20 million online commentators it could muster to change the online information environment against Walmart and other brands that comply with the Uyghur Forced Labor Prevention Act.[57]

China's recently enacted Anti-Foreign Sanctions Law, which formally prohibits all companies operating in China from complying with foreign sanctions, will likely compound difficulties for U.S. firms. While the law could be punitively directed at foreign companies themselves, it is also likely to limit Chinese partners' ability and willingness to help U.S. companies achieve the clarity they need to prove their supply chains are clean.[58] Additionally, any sanctions resulting from the implementation of the Uyghur Forced Labor Prevention Act are likely to result in Chinese countersanctions. Such a response would be similar to prior Chinese sanctions on U.S. officials, such as those applied to former Secretary of State Mike Pompeo in response to Global Magnitsky Act sanctions on Chinese officials for human rights violations in Xinjiang.[59]

The year-long campaign to pass the Uyghur Forced Labor Prevention Act and its successful turn to law have inspired other governments to consider similar legislation. In December 2021, *Politico* reported that several United Kingdom (UK) legislators called for a similar import ban, while UK Trade Minister Penny Mordaunt indicated that the government is looking at taking action "very carefully."[60] In August 2021, Australia's Senate passed a similar bill, though it ultimately failed to pass the full parliament.[61] The EU is also pursuing a more rigorous due diligence strategy aimed at eradicating forced labor and other human rights abuses from its supply chains in lieu of a full import ban.[62]

Chinese Communist Party Emphasizes Stability at Key Economic Planning Conference

At its annual Central Economic Work Conference (CEWC), the Chinese Communist Party (CCP) emphasized the importance of stabilizing China's economy as the Party heads into a politically significant year. On December 8–10, 2021, the CCP convened its annual CEWC, the Party's economic planning conference in which it sets the agenda for economic policy in the year ahead.[63] CCP leaders placed special emphasis on "stability" at the conference, with the word appearing 25 times in a 4,700-character readout of the event.† [64] The sharp focus on economic stability points to the Party's sensitivity to key political events in 2022 as the CCP prepares Beijing to host the 2022 Winter Olympics in February and convenes its 20th Party Congress in the latter half of the year.[65]

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* A Withhold Release Order (also called a denial order) suspends the import of specified goods CBP determines to be produced or manufactured in whole or in part from forced labor (including prison labor and child labor). Importers are still eligible to receive the goods if they can submit evidence disproving CBP's forced labor determination along with a certificate of origin within three months of the order's issuance. M.E. Dey & Company, "Withhold Release Order (WRO)," September 2020. *https://www.medey.com/wp-content/uploads/2020/09/Withhold-Release-Order-WRO.pdf*.

† By comparison, the character for stability (稳, wěn) appeared only 13 times in the 2020 CEWC readout, suggesting a returned focus to economic stability in the 2021 readout. The character appeared 24 and 29 times in the 2019 and 2018 CEWC readouts, respectively.

The emphasis on stability also reflects a renewed focus on shoring up economic growth, a cornerstone of the CCP's legitimacy, as headwinds buffet China's economy. According to a readout of the conference, China is grappling with "threefold pressures" of weak demand, insufficient supply, and diminished market confidence.[66] These pressures weighed on China's economy in 2021, with growth slowing in the third quarter to 4.9 percent year-on-year and just 0.2 percent quarter-on-quarter.[*]

- *Demand-side pressures:* Scattered shutdowns of China's city centers and regional travel restrictions enacted in pursuit of a "zero-COVID" approach to pandemic control have weighed on consumer demand, with retail sales growth slowing to just 3.9 percent in November 2021.[67] While the CEWC readout pledged China will continue to guard against imported COVID-19 cases, the omission of the "zero-COVID" wording suggests Chinese leaders are concerned about alleviating demand-side pressures and may be reconsidering the zero-tolerance approach.[68]
- *Supply-side pressures:* Rising global commodity prices, increased shipping costs, and supply disruptions arising from power outages and government-directed production curbs have weighed on China's productive capacity and increased producer prices.[69] In October 2021, China's Producer Price Index grew 13.5 percent year-on-year, a 26-year high.[70]
- *Diminished market confidence:* Regulatory tightening campaigns against China's property and internet technology sectors have dimmed market sentiment.[71] Property construction and sales, key drivers of economic growth in China, tumbled in 2021 following government efforts to rein in debt-fueled housing construction and curb speculative property purchases in major cities.[72] Financial markets also reflected dimming confidence, with China's CSI 300 Index—an index composed of 300 large- and mid-capitalization stocks traded on the Shanghai and Shenzhen stock exchanges—down 6.2 percent for the year.[†] [73]

CCP leaders intend to provide targeted but not expansive support to counteract these pressures. The CEWC readout calls for "proactive fiscal policy" that strengthens support for small- and medium-sized enterprises (SMEs) and encouraged continued infrastructure investment "moderately ahead of schedule."[74] Monetary policy similarly seeks to ensure SMEs, technological innovation, and green development are all supported.[75] Analysts debate the extent to which fiscal or monetary policy will play a decisive role in providing economic support. According to Logan Wright, partner at Rhodium Group, consistent with the People's Bank of China December 6 announcement that it would cut banks' reserve requirement ratios, monetary policy may play a more prominent role in supporting the economy in 2022.[76] Contrastingly, Trivium China analysts observe that the CEWC readout's focus on boosting infrastructure spending, accelerating fiscal expenditure, and implementing tax and fee reductions for business all point to a more prominent role for fiscal policy. CCP leaders are signaling both will be deployed in a "coordinated" way to undergird economic stability and in service of economic policy priorities CCP leaders have espoused since the pandemic's disruptions took hold of China's economy in 2020, including supporting SMEs and technological development.[77] China's authorities are moving quickly to realize the CEWC's objectives, with China's Ministry of Finance allocating $228.9 billion (renminbi [RMB] 1.5 trillion) in quotas for 2022 special-purpose bonds in mid-December, ahead of schedule.[‡] [78]

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[*] For more on China's economic health in the third quarter of 2021, see U.S.-China Economic and Security Review Commission, "Quarterly Review of China's Economy," in *Economics and Trade Bulletin*, December 16, 2021, 4–9. *https://www.uscc.gov/sites/default/files/2021-12/November-December_2021_Trade_Bulletin.pdf*.

[†] While Chinese equity valuations do not reflect corporate fundamentals to a degree comparable to U.S. markets, indices like the CSI 300 nevertheless serve as an effective bellwether for market sentiment because of the high proportion of retail investors in Chinese mainland exchanges. Retail investors are more likely than institutional investors to exit the market during periods of weak sentiment. Chen Liu and Yi Yan, "Investor Sentiment and the Basis of CSI 300 Stock Index Futures: An Empirical Study Based on QVAR Model and Quantile Regression," *Discrete Dynamics in Nature and Society* (2018). *https://www.hindawi.com/journals/ddns/2018/4783214/#conclusions-and-inspirations*.

[‡] The allotment is equivalent to 40 percent of the total special-purpose bond quota for all of 2021, which was $572.6 billion (RMB 3.6 trillion). In December 2018, China's National People's Congress set a 60 percent cap on the share of the previous year's special-purpose bond quota that can be allotted ahead of the new year. Cheng Siwei and Tang Ziyi, "China Front-Loads 2022 Special Bonds to Boost Local Infrastructure," *Caixin*, December 17, 2021. *https://www.caixinglobal.com/2021-12-17/china-front-loads-2022-special-bonds-to-boost-local-infrastructure-spending-101819285.html*; Lin Jinbing and Yu Hairong, "China Allows Early Local Debt Issuing amid Economic Slowdown," *Caixin*, December 31, 2018. *https://www.caixinglobal.com/2018-12-31/china-allows-early-local-debt-issuing-amid-economic-slowdown-101365298.html*.

The CEWC readout points to CCP leaders' acknowledgement that some of their policy choices in 2021 may have been too forceful. Reductions in coal production in 2021 to meet China's ambitious carbon neutrality goals contributed to power outages that year, while the Party's "common prosperity" campaign* sapped market sentiment.[79] The CEWC readout advises Chinese officials to moderate the tenacity with which both goals are pursued. For example, it notes that carbon neutrality cannot be achieved "in one fell swoop" and observes that wealth in China should grow further before it is redistributed.[80] The longer-term focus placed on both goals underlines the CCP's short-term objective of economic stability and shored-up growth. Similarly, just before the CEWC, a meeting of China's top political body affirmed it would support "reasonable housing demand," a statement analysts interpreted as signaling loosening policies toward the property sector.[81]

The CEWC readout points to CCP leaders' acknowledgement that some of their policy choices in 2021 may have been too forceful.

Bilateral Trade

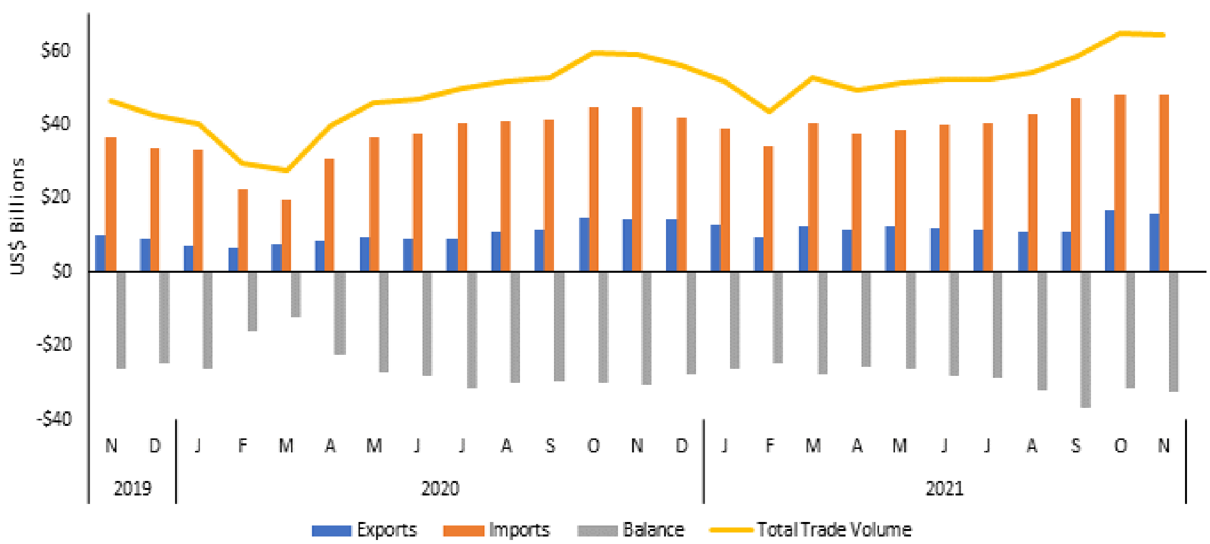
Bilateral trade continued to surge in November 2021, maintaining a trend started in October by easing global supply chain disruptions.[82] Strong U.S. consumer spending ahead of the holidays also contributed to U.S. imports of Chinese goods totaling $48.4 billion in November, marking their highest level since October 2018 (see Table 1). Rising imports brought the U.S. goods trade deficit to $32.3 billion.[83] Despite a deepening deficit, cumulative goods exports to China for the first 11 months of 2021 grew 25 percent year-on-year, while imports grew 16 percent year-on-year. The total volume of bilateral goods trade reached $594.5 billion, versus $502.8 billion over the same period in 2020 (see Figure 2).[84]

Table 1: Key Indicators for U.S.-China Trade in Goods, November 2021

	U.S. Exports to China	U.S. Imports from China	U.S. Trade Deficit with China
Value	$16.1 billion	$48.4 billion	$32.3 billion
Year-on-Year Change	13.0 percent	7.9 percent	5.5 percent

Source: U.S. Census Bureau, *Trade in Goods with China*, January 6, 2022.

Figure 2: U.S.-China Goods Trade, November 2017–November 2021



Source: U.S. Census Bureau, *Trade in Goods with China*, January 6, 2022.

* The concept of "common prosperity" is ill defined, but it largely focuses on reducing income inequality and expanding equity of economic opportunity in China's economy. For more, see U.S.-China Economic and Security Review Commission, "CCP's 'Common Prosperity' Slogan Elevates Campaign against Inequality," in *2021 Annual Report to Congress*, Chapter 2, Section 1, "Year in Review: Economics and Trade," November 2021, 131–132. *https://www.uscc.gov/sites/default/files/2021-11/Chapter_2_Section_1--Year_in_Review-Economics_and_Trade.pdf.*

In Focus: Shein's Rapid Growth Accompanied by Controversy

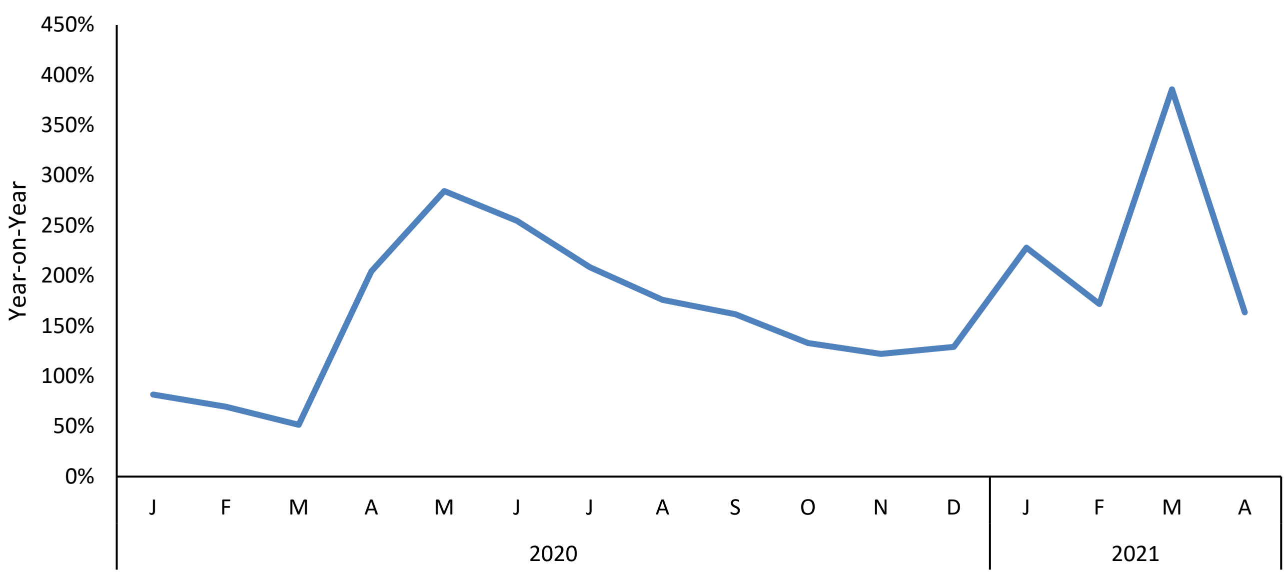
On January 25, Reuters reported that Chinese clothing retailer Shein (pronounced "she-in") was renewing its plans to conduct an initial public offering (IPO) on U.S. markets.[85] The revival of the company's IPO plans, which reportedly began about two years ago before being shelved, underscores Shein's status as one of the fastest-growing apparel companies in the world over the past several years. This rapid growth has been underpinned by controversy, however, as Shein's quickly manufactured, inexpensive clothing has raised concerns over plagiarism, negative environmental impact, and unfair labor practices. Additionally, the company owes its profitability in part to exemption from U.S. tariffs on Chinese goods under current trade rules. Recently proposed legislation could challenge this factor in Shein's business model, while proposed state legislation would require more transparency of its supply chains.

Shein's Expansion Worldwide

A pioneer in "ultra-fast fashion," Shein has no brick-and-mortar locations and instead sends clothes directly to online consumers worldwide. According to the company's own disclosures, 2020 revenues were nearly $10 billion (RMB 63.5 billion), higher than the online revenues of fast-fashion giant Zara.[86] According to a Bloomberg report, as of June 2021 the company's valuation was as high as $30 billion.[87] Last May, it briefly overtook Amazon as the most downloaded shopping app in the United States.[88]

Shein was originally founded in 2008 in Nanjing by Chris Xu, who did not have a background in fashion but rather in search engine optimization.[89] Originally focusing on wedding dresses, the company later branched out into all women's clothing and then expanded further to include apparel for men and children, beauty items, and home décor and furnishings.[90] Initially, Shein only sold items designed and manufactured by third-party firms, but not producing designs or maintaining any inventory. In 2014 it bought Chinese e-commerce retailer Romwe and began building an integrated supply chain.[91] The company's revenues have steadily grown since then, reportedly seeing revenue growth of over 100 percent for eight consecutive years.[92] U.S. sales growth took off at the beginning of the novel coronavirus (COVID-19) pandemic, when store closures diverted shoppers to online options (see Figure 1 below).

Figure 1: Shein U.S. Sales Growth, January 2020–April 2021



Source: Adapted from *Bloomberg*, "How China's Trade War Built Shein, China's First Global Fashion Giant," June 14, 2021. *https://www.bloomberg.com/news/articles/2021-06-14/online-fashion-giant-shein-emerged-from-china-thanks-to-donald-trump-s-trade-war?sref=ExbtjcSG*.

Shein has become a significant supplier to customers in almost every region in the world. As an export-focused business, Shein has almost no presence in mainland China, but it ships to consumers in 220 countries. The

Economist reported in October that the United States is Shein's top market, accounting for 35–40 percent of sales, followed by Europe at 30–35 percent.[93]

A Tech-Savvy Emphasis on Inexpensive Goods, Aided by Tariff Breaks

A key factor in Shein's success is the low price of its products, which cost under $11 on average—partly because they receive favorable treatment under both U.S. and Chinese trade law.[94] Shein has been able to avoid paying U.S. tariffs that have been levied on many other Chinese textiles because the company ships hundreds of thousands of small individual order shipments separately, rather than exporting products in bulk shipments. U.S. law typically does not require duties on packages with a value of under $800. Shein ships directly to its consumers, so the majority of its shipments fall under this threshold.[95] At the same time, Shein benefited from policies the Chinese government adopted in 2018, as U.S.-China trade tensions were rising, that cut export tariffs for most direct-to-consumer businesses.[96] The exemption from both U.S. and Chinese tariffs gives Shein an advantage over larger rivals, especially those that maintain brick-and-mortar stores and move inventory in bulk. The Import Security and Fairness Act, a bill introduced in the House Ways and Means Committee on January 18, 2022, could end these exemptions for Shein if it becomes law.[97] Among other provisions, the act would impose tariffs on packages valued under $800 if they come from countries that are both (1) designated by the U.S. Department of Commerce as non-market economy countries and (2) on the U.S. Trade Representative's Priority Watch List for IP issues.[*] [98]

The firm's success also comes from its emphasis on quick production and real-time sales analytics. Reflecting its founder's background in search engine optimization, Shein relies on algorithms that analyze online search terms to determine new fashion trends and quickly turn around new designs, produced at first in small batches of 50–100 items.[99] This allows Shein to sell new designs in as little as ten days, far faster than the several months it takes for traditional clothing retailers or even other fast-fashion outlets like Zara, which typically take five weeks to turn around new products.[100] According to CEO Molly Miao, the company now releases between 700 and 1,000 new items daily.[101] These goods enjoy brisk sales due in part to the company's pervasive presence on social media platforms such as Instagram and TikTok, which includes advertisements, collaborations with celebrities and influencers, and user-generated video reviews of Shein products.[102]

Shein's Success Accompanied by Criticism over Business Model

Despite its success, Shein's practices have given rise to controversies as well. Many of these issues are not specific to Shein, but exemplify broader controversies over the fast-fashion industry, scrutiny over Chinese supply chains, and concerns about Chinese firms' theft of U.S. intellectual property.

- *Plagiarism*. Several fashion companies and independent designers have accused Shein of infringing on their designs. In June 2021, AirWear International, the parent company of shoe seller Dr. Martens, filed a lawsuit against Shein for its alleged "clear intent to sell counterfeits" and for copying the company's designs.[103] Under U.S. copyright law, however, copying many aspects of clothing designs is not legally actionable, leading to many such occurrences by fast-fashion brands.[104]

- *Environmental impact*. Shein has also drawn criticism for the environmental impacts of its business model. According to a 2018 UN study, the fashion industry accounts for as much as 8 percent of global carbon emissions.[105] Industry experts have pointed to fast fashion as a particularly harmful segment of the fashion industry due to its high volume of sales and its use of polyester fabrics that do not biodegrade.[106] In 2021, Good On You, an organization that assesses the social and environmental impact of fashion companies, gave Shein its lowest rating for environmental impact.[107]

- *Improper labor practices*. A 2021 report by Swiss nongovernmental organization Public Eye interviewed workers at Chinese companies supplying Shein and found that some were working 75-hour weeks, with only one day off per month.[108] While such working conditions for Chinese textile workers are not unique to Shein, they violate Chinese labor law as well as Shein's own supplier code of conduct, which calls for

[*] China is currently the only country that is on both lists. International Trade Administration, "Countries Currently Designated by Commerce as Non-Market Economy Countries," *https://www.trade.gov/nme-countries-list*; U.S. Trade Representative, "2021 Special 301 Report," April 2021, 5. *https://ustr.gov/sites/default/files/files/reports/2021/2021%20Special%20301%20Report%20(final).pdf.*

suppliers to "arrange working hours reasonably."[109] The company has also come under fire for job listings on recruitment sites that reportedly excluded certain ethnicities, including Uyghurs, from applying.[110]

Recent proposed legislation in New York could force companies such as Shein to be more transparent about supply chains and labor practices. In January 2022, the Fashion Sustainability and Social Accountability Act was introduced in the New York state legislature.[111] If passed, the law would require fashion companies with revenues over $100 million that sell in New York to "map" at least 50 percent of their global supply chains and publish environmental and social due diligence policies.[112] Companies violating the law could be fined up to 2 percent of their annual revenues.[*]

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[1] Cari N. Stinebower, "Understanding China's Variable-Interest Entities," *Winston & Strawn LLP*, September 30, 2021. *https://www.winston.com/en/blogs-and-podcasts/notes-from-the-china-desk/understanding-chinas-variable-interest-entities.html*.

[2] Jing Yang, "U.S. and Chinese Regulators Are in a Bind over a Three-Letter Acronym," *Wall Street Journal*, September 30, 2021. *https://www.wsj.com/articles/u-s-and-chinese-regulators-are-in-a-bind-over-a-three-letter-acronym-11632999033*.

[3] Kane Wu and Yu Xie, "Explainer: How China's New Offshore Listing Rules Will Work," *Reuters*, December 29, 2021. *https://www.reuters.com/markets/asia/how-chinas-new-offshore-listing-rules-will-work-2021-12-29/*; China Securities Regulatory Commission, "Administrative Measures for the Filing of Overseas Securities Offering and Listing by Domestic Companies (Draft for Comments)," December 23, 2021. *http://webcache.googleusercontent.com/search?q=cache:0FiEMHIcr8YJ:www.csrc.gov.cn/csrc_en/c102030/c1662393/content.shtml+&cd=3&hl=en&ct=clnk&gl=us*.

[4] *Reuters,* "China Proposes Tighter Rules but No Ban for Offshore Listings," *Reuters*, December 25, 2021. *https://www.reuters.com/markets/europe/china-securities-regulator-says-vie-compliant-companies-can-list-overseas-2021-12-24/*; Cari N. Stinebower, "Understanding China's Variable-Interest Entities," *Winston & Strawn LLP*, September 30, 2021. *https://www.winston.com/en/blogs-and-podcasts/notes-from-the-china-desk/understanding-chinas-variable-interest-entities.html*.

[5] *Akin Gump*, "New Mainland China Implementation Rules for the Law for Promoting Private Education – Implications for Investments into VIE Structures?" June 22, 2021. *https://www.akingump.com/en/news-insights/new-mainland-china-implementation-rules-for-the-law-for-promoting-private-education-implications-for-investments-into-vie-structures.html*.

[6] Rebecca Feng, Dave Sebastian, and Jing Yang, "China's Securities Regulator Lays Out Overseas Listing Rules," *Wall Street Journal* December 24, 2021. *https://www.wsj.com/articles/chinas-securities-regulator-lays-out-overseas-listing-rules-11640374590*; Li Shoushuang, "Opinion: New VIE Rules—Is the Door Half Open or Half Closed?" *Caixin*, January 3, 2022. *https://www.caixinglobal.com/2022-01-03/opinion-new-vie-rules-is-the-door-half-open-or-half-closed-101825355.html*.

[7] Li Shoushuang, "Opinion: New VIE Rules—Is the Door Half Open or Half Closed?" *Caixin*, January 3, 2022. *https://www.caixinglobal.com/2022-01-03/opinion-new-vie-rules-is-the-door-half-open-or-half-closed-101825355.html*.

[8] Yue Yue and Tang Ziyi, "China Awards Wholly Owned Mutual Fund License to Third Foreign Firm" *Caixin*, September 27, 2021; Yue Yue and Han Wei, "Fidelity Cleared to Open Its Own China Mutual Fund Business," *Caixin*, August 7, 2021; Charlie Zhu and Jun Luo, "Goldman Forms Wealth Venture with China's Largest Bank," *Bloomberg*, May 25, 2021.

[9] Office of the U.S. Trade Representative, *2021 Special 301 Report*, April 30, 2021, 40. *https://ustr.gov/sites/default/files/files/reports/2021/2021%20Special%20301%20Report%20(final).pdf*.

[10] Mark Cohen, "Is It in There–CNIPA's 'Phase 1' IP Action Plan," *China IPR*, April 22, 2020. *https://chinaipr.com/2020/04/22/is-it-in-there-cnipas-phase-1-ip-action-plan/*.

[11] Office of the United States Trade Representative, *2021 Special 301 Report*, April 30, 2021, 44. *https://ustr.gov/sites/default/files/files/reports/2021/2021%20Special%20301%20Report%20(final).pdf*.

[*] Companies will have three months to correct their noncompliance before imposition of a fine. Fashion Sustainability and Social Accountability Act, New York Assembly Bill A8352, January 2022.

[12] Chad P. Bown, "U.S.-China Phase One Tracker: China's Purchases of U.S. Goods," *Peterson Institute of International Economics*, December 23, 2021. *https://www.piie.com/research/piie-charts/us-china-phase-one-tracker-chinas-purchases-us-goods*.

[13] Josh Zumbrun, "Beijing Fell Short on Trade Deal Promises, Creating Dilemma for Biden," *Wall Street Journal*, December 31, 2021. *https://www.wsj.com/articles/beijing-fell-short-on-trade-deal-promises-creating-dilemma-for-biden-11640946782*; Office of the U.S. Trade Representative, *Economic and Trade Agreement between the Government of the United States of America and the Government of the People's Republic of China*, January 15, 2020. *https://ustr.gov/sites/default/files/files/agreements/phase%20one%20agreement/Economic_And_Trade_Agreement_Between_The_United_States_And_China_Text.pdf*.

[14] Center for Strategic and International Studies, "Transcript: A Conversation with Ambassador Katherine Tai, U.S. Trade Representative," October 4, 2021. *https://csis-website-prod.s3.amazonaws.com/s3fs-public/event/211004_Reinsch_Katherine_Tai.pdf?o05O9AQ08IkE.W2GCq0_jiObeXAZU_Kr*.

[15] Association of Southeast Asian Nations, "RCEP Agreement Enters into Force," January 1, 2022. *https://asean.org/rcep-agreement-enters-into-force/*.

[16] Josh Kurlantzick, "The RCEP Signing and Its Implications," *Council on Foreign Relations*, November 16, 2020. *https://www.cfr.org/blog/rcep-signing-and-its-implications*.

[17] Alessandro Nicita, "An Assessment of the Regional Comprehensive Economic Partnership (RCEP) Tariff Concessions," UN Conference on Trade and Development Research Paper No. 73 (December 2021), 5. *https://unctad.org/system/files/official-document/ser-rp-2021d16_en.pdf*.

[18] Wing Chu and Yuki Qian, "RCEP: Asia as the Global Manufacturing Centre," *Hong Kong Trade and Development Council*, December 2, 2021. *https://research.hktdc.com/en/article/OTE4NzMxNTMw*; Evelyn Cheng, "New Regional Trade Deals to Help China 'Sustain Its Advantages,' In Global Supply Chains," *CNBC*, November 22, 2020. *https://www.cnbc.com/2020/11/23/china-set-to-dominate-global-supply-chains-as-rcep-trade-deal-is-signed.html*.

[19] Cathleen D. Cimino-Isaacs et al., "Regional Comprehensive Economic Partnership (RCEP)," *Congressional Research Service*, August 5, 2021, 2. *http://everycrsreport.com/files/2021-08-05_IF11891_af1937448b1c4d0fc60a7107dcdc3fb25260bb23.pdf*.

[20] Cathleen D. Cimino-Isaacs et al., "Regional Comprehensive Economic Partnership (RCEP)," *Congressional Research Service*, August 5, 2021, 2. *http://everycrsreport.com/files/2021-08-05_IF11891_af1937448b1c4d0fc60a7107dcdc3fb25260bb23.pdf*.

[21] Evelyn Cheng, "China to Remove Limits on Foreign Investment in Passenger Car Manufacturing," *CNBC*, December 27, 2021. *https://www.cnbc.com/2021/12/27/china-to-remove-foreign-investment-limit-passenger-car-manufacturing.html*; China's National Development and Reform Commission, *Special Administrative Measure for Foreign Investment Access (Negative List) (2021 Edition)*, December 27, 2021. *https://webcache.googleusercontent.com/search?q=cache:cfaJSR-Lz2kJ:https://www.ndrc.gov.cn/xxgk/zcfb/fzggwl/202112/t20211227_1310020.html+&cd=1&hl=en&ct=clnk&gl=us*.

[22] U.S.-China Economic and Security Review Commission, *2021 Annual Report to Congress*, November 2021, 182–183. *https://www.uscc.gov/annual-report/2021-annual-report-congress*; Norihiko Shirouzu and Adam Jourdan, "China to Open Auto Market as Trade Tensions Simmer," *Reuters*, April 17, 2018. *https://www.reuters.com/article/us-china-autos-regulation/china-to-open-auto-market-as-trade-tensions-simmer-idUSKBN1HO0YA*; China's National Development and Reform Commission, *Special Administrative Measure for Foreign Investment Access (Negative List) (2018 Edition)*, June 2018. *http://webcache.googleusercontent.com/search?q=cache:SqLqYHNUvRIJ:www.gov.cn/xinwen/2018-06/29/5301999/files/0ade1f7913a9450987b3833e08bf40a8.pdf+&cd=1&hl=en&ct=clnk&gl=us*.

[23] Shunsuke Tabeta, "China Scraps Foreign Investment Curbs in Auto Sector," *Nikkei Asia*, December 28, 2021. *https://asia.nikkei.com/Business/Automobiles/China-scraps-foreign-investment-curbs-in-auto-sector*; China's National Development and Reform Commission, *Special Administrative Measure for Foreign Investment Access (Negative List) (2021 Edition)*, December 27, 2021. *https://webcache.googleusercontent.com/search?q=cache:cfaJSR-Lz2kJ:https://www.ndrc.gov.cn/xxgk/zcfb/fzggwl/202112/t20211227_1310020.html+&cd=1&hl=en&ct=clnk&gl=us*.

[24] *McKinsey*, "Winning the Race: China's Auto Market Shifts Gears," December 2019, 29. *https://www.mckinsey.com/~/media/mckinsey/industries/automotive%20and%20assembly/our%20insights/winning%20the%20race%20chinas%20auto%20market%20shifts%20gears/winning-the-race-chinas-auto-market-shifts-gears.ashx*.

[25] U.S.-China Economic and Security Review Commission, "Chinese Agencies Overstate Impact of Revised Negative List, Seek to Channel Foreign Capital toward Domestic Policy Goals," in *Economics and Trade Bulletin*, July 6, 2020, 3–5. *https://www.uscc.gov/trade-bulletins/july-2020-trade-bulletin*.

[26] *SupChina*, "All the Electric Car Companies in China—A Guide to the 46 Top Players in the Chinese EV Industry," April 20, 2021. *https://supchina.com/2021/04/20/all-the-electric-car-companies-in-china-a-guide-to-the-27-top-players-in-the-chinese-ev-industry/*; Iris Pang, "Changes in the Automobile Sector in China—An Effect of the Trade War?" *ING*, September 11, 2018. *https://think.ing.com/articles/changing-policies-in-automobile-sectors-in-china-an-effect-of-trade-war#a9*; Trefor Moss and Mike Colias, "China to Ease Rules on Foreign Auto Makers," *Wall Street Journal*, April 17, 2018. *https://www.wsj.com/articles/china-to-ease-rules-on-foreign-auto-makers-1523963345*.

[27] Shunsuke Tabeta, "China Consolidates 3 Rare Earth Miners into 'Aircraft Carrier,'" *Nikkei Asia*, December 24, 2021. *https://asia.nikkei.com/Business/Markets/Commodities/China-consolidates-3-rare-earth-miners-into-aircraft-carrier*; *Wall Street Journal*, "China Set to Create New State-Owned Rare-Earths Giant," December 3, 2021. *https://www.wsj.com/articles/china-set-to-create-new-state-owned-rare-earths-giant-11638545586*; China Minmetals, "Announcement of Abnormal Fluctuations in Stock Trading," September 29, 2021. *https://q.stock.sohu.com/newpdf/202146190548.pdf*; *Bloomberg*, "China to Form Two Rare Earth Giants to Strengthen Pricing Power," September 24, 2021. *https://www.bloomberg.com/news/articles/2021-09-24/china-s-rare-earth-miners-announce-plan-to-restructure-assets*.

[28] Shunsuke Tabeta, "China Consolidates 3 Rare Earth Miners into 'Aircraft Carrier,'" *Nikkei Asia*, December 24, 2021. *https://asia.nikkei.com/Business/Markets/Commodities/China-consolidates-3-rare-earth-miners-into-aircraft-carrier*; U.S. Geological Survey, *Rare Earth Statistics and Information*, 2021. *https://www.usgs.gov/centers/national-minerals-information-center/rare-earths-statistics-and-information*; China Ministry of Industry and Information Technology, *Notice of the Ministry of Industry and Information Technology of the Ministry of Natural Resources on Issuing the Total Control Targets for Rare Earth Mining, Smelting and Separation in 2020*, [工业和信息化部 自然资源部关于下达 2020 年度稀土开采、冶炼分离总量控制指标的通知]，August 16, 2020. *https://webcache.googleusercontent.com/search?q=cache:98MXJsR7gNEJ:https://wap.miit.gov.cn/jgsj/ycls/xt/art/2020/art_b0d7f1532c1f484ab9abd01c2b5c9465.html+&cd=1&hl=en&ct=clnk&gl=us*.

[29] Shunsuke Tabeta, "Two Chinese Rare-Earth Giants Join Forces as Beijing Calls Shots," *Nikkei Asia*, December 22, 2021. *https://asia.nikkei.com/Business/Markets/Commodities/2-Chinese-rare-earth-giants-join-forces-as-Beijing-calls-shots*; China Northern Rare Earth (Group) High-Tech, "Announcement of Northern Rare Earth on Signing the "Strategic Cooperation Framework Agreement" with China Rare Earth Holdings Co., Ltd." [北方稀土关于与中国稀土控股有限公司签署《战略合作框架协议》的公告], December 20, 2021. *https://www.reht.com/h-nd-1082.html*; Jack Lau, "China's Inner Mongolia Region Aims to Earn Five Times More from Rare Earths by 2025," *South China Morning Post*, December 14, 2021. *https://www.scmp.com/news/china/science/article/3159561/chinas-inner-mongolia-region-aims-earn-five-times-more-rare*; China Ministry of Industry and Information Technology, *Notice of the Ministry of Industry and Information Technology of the Ministry of Natural Resources on Issuing the Total Control Targets for Rare Earth Mining, Smelting and Separation in 2021*, [工业和信息化部 自然资源部关于下达 2021 年度稀土开采、冶炼分离总量控制指标的通知]，August 24, 2021. *https://webcache.googleusercontent.com/search?q=cache:URouo7M5VWwJ:https://wap.miit.gov.cn/jgsj/ycls/wjfb/art/2021/art_4df211c3f5a547848d7f48ac406bce8f.html+&cd=1&hl=en&ct=clnk&gl=us.*

[30] Keith Zhai, "China Set to Create New State-Owned Rare-Earths Giant," *Wall Street Journal*, December 3, 2021. *https://www.wsj.com/articles/china-set-to-create-new-state-owned-rare-earths-giant-11638545586*.

[31] Damien Ma and Joshua Henderson, "The Impermanence of Permanent Magnets: A Case Study on Industry, Chinese Production, and Supply Constraints," *MacroPolo*, November 16, 2021. *https://macropolo.org/analysis/permanent-magnets-case-study-industry-chinese-production-supply/*; White House, *Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth*, June 2021, 9. *https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf*; Center for Strategic and International Studies, "Does China Pose a Threat to Global Rare Earth Supply Chains?" *China Power*, May 12, 2021. *https://chinapower.csis.org/china-rare-earths/*; Carl A. Williams, "China Continues Dominance of Rare Earth Markets to 2030, Says Roskill," *Mining*, February 26, 2021. *https://www.mining.com/china-continues-dominance-of-rare-earths-markets-to-2030-says-roskill/*; U.S. Geological Survey, *Rare Earth Statistics and Information*, 2021. *https://www.usgs.gov/centers/national-minerals-information-center/rare-earths-statistics-and-information*;

[32] Damien Ma and Joshua Henderson, "The Impermanence of Permanent Magnets: A Case Study on Industry, Chinese Production, and Supply Constraints," *MacroPolo*, November 16, 2021. *https://macropolo.org/analysis/permanent-magnets-case-study-industry-chinese-production-supply/*; White House, *Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth*, June 2021, 9. *https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf*; Center for Strategic and International Studies, "Does China Pose a Threat to Global Rare Earth Supply Chains?" *China Power*, May 12, 2021. *https://chinapower.csis.org/china-rare-earths/*; Carl A. Williams, "China Continues Dominance of Rare Earth Markets to 2030, Says Roskill," *Mining*, February 26, 2021. *https://www.mining.com/china-continues-dominance-of-rare-earths-markets-to-2030-says-roskill/*; U.S. Geological Survey, *Rare Earth Statistics and Information*, 2021. *https://www.usgs.gov/centers/national-minerals-information-center/rare-earths-statistics-and-information*;

[33] Gabriel Crossley and Min Zhang, "China Says Domestic Competition Hurting Rare Earth Prices," *Reuters*, February 28, 2021. *https://www.reuters.com/article/us-china-rareearths-industry/china-says-domestic-competition-hurting-rare-earth-prices-idUSKCN2AT13G*.

[34] China's Ministry of Industry and Information Technology, *Interpretation of the "Fourteenth Five-Year" Raw Material Industry Development Plan*, (《"十四五"原材料工业发展规划》解读), December 29, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache%3Ahttp%3A%2F%2Fwww.gov.cn%2Fzhengce%2F2021-12%2F29%2Fcontent_5665165.htm&rlz=1C1CHBF_enUS936US940&oq=cache%3Ahttp%3A%2F%2Fwww.gov.cn%2Fzhengce%2F2021-12%2F29%2Fcontent_5665165.htm&aqs=chrome..69i57j69i58.4746j0j7&sourceid=chrome&ie=UTF-8*.

[35] *Sina Finance*, "Inner Mongolia Rare Earths are Sold at 'Cabbage Prices': The World's Largest Rare Earth Mine Has Been Mined as Iron Ore for More than 60 Years" (内蒙古稀土卖成"白菜价":世界最大稀土矿 60 多年一直被当成铁矿开采) October 12, 2020. Translation. *https://web.archive.org/web/20210509045314/https:/finance.sina.com.cn/roll/2020-10-12/doc-iivhuipp9211674.shtml*.

[36] Michael Standaert, "China Wrestles with the Toxic Aftermath of Rare Earth Mining," *Yale Environment 360*, July 2, 2019. *https://e360.yale.edu/features/china-wrestles-with-the-toxic-aftermath-of-rare-earth-mining*.

[37] Jérôme Doyon, François Godement, and Wendy Leutert, "Big Is Beautiful? State-Owned Enterprise Mergers under Xi Jinping," *European Council on Foreign Relations*, November 30, 2016. *https://ecfr.eu/publication/china_state_owned_enterprise_mergers_under_xi_jinping7196/*.

[38] Jia Tianqiang, Bai Yujie, and Han Wei, "China Creates Massive State-Owned Logistics Group," *Caixin*, December 7, 2021. *https://asia.nikkei.com/Spotlight/Caixin/China-creates-massive-state-owned-logistics-group*; Jude Blanchette and Jonathan Hillman, "Hidden Harbors: China's State-Backed Shipping Industry," *Center for Strategic and International Studies*, July 8, 2020. *https://www.csis.org/analysis/hidden-harbors-chinas-state-backed-shipping-industry*.

[39] UN Comtrade Database.

[40] Panos Mourdoukoutas, "China Threatens to Cut Rare Earths Supplies to the U.S. -- Bad Idea," *Forbes*, May 16, 2019. *https://www.forbes.com/sites/panosmourdoukoutas/2019/05/16/china-threatens-to-cut-rare-earths-supplies-to-the-us-bad-idea/?sh=129b94817486*; Center for Strategic and International Studies, "Does China Pose a Threat to Global Rare Earth Supply Chains?" *https://chinapower.csis.org/china-rare-earths/*.

[41] UN Comtrade Database.

[42] Mary Hui, "Japan's Global Rare Earths Quest Holds Lessons for the US and Europe," *Quartz*, April 23, 2021. *https://qz.com/1998773/japans-rare-earths-strategy-has-lessons-for-us-europe/*; UN Comtrade Database; Julian Ryall, "Japan Moves to Secure Rare Earths to Reduce Dependence on China," *South China Morning Post*, August 17, 2020. *https://www.scmp.com/week-asia/politics/article/3097672/japan-moves-secure-rare-earths-reduce-dependence-china*.

[43] UN Comtrade Database.

[44] *Reuters*, "Pentagon Awards $30 Million in Rare Earths Funding to Australia's Lynas," February 1, 2021. *https://www.reuters.com/article/us-usa-rareearths/pentagon-awards-30-million-in-rare-earths-funding-to-australias-lynas-idUSKBN2A135Y*; John Xie, "California Mine Becomes Key Part of Push to Revive US Rare Earths Processing," *Voice of America*, December 31, 2020. *https://www.voanews.com/a/usa_california-mine-becomes-key-part-push-revive-us-rare-earths-processing/6200183.html*.

[45] Ames Laboratory, "Rare-Earth Magnet Recycling Wins FLC Innovation Award," August 29, 2018. *https://www.ameslab.gov/news/rare-earth-magnet-recycling-wins-flc-innovation-award*.

[46] U.S. Department of Energy, "U.S. Department of Energy to Invest $28.35M in Advanced Processing of Rare Earth Elements and Critical Minerals for Industrial and Manufacturing Applications," January 21, 2021. *https://www.energy.gov/fecm/articles/us-department-energy-invest-2835m-advanced-processing-rare-earth-elements-and-critical#:~:text=The%20U.S.%20Department%20of%20Energy's,Critical%20Minerals%20for%20Industrial%20and*.

[47] Miyeon Oh, James Hildebrand, and Harry WS Lee, "Enhancing US-Japan Cooperation on Global Supply Chains," *Atlantic Council*, May 2021. *https://www.atlanticcouncil.org/wp-content/uploads/2021/05/Enhancing-US-Japan-Cooperation-on-Global-Supply-Chains.pdf*; Center for Strategic and International Studies, "Does China Pose a Threat to Global Rare Earth Supply Chains?" *https://chinapower.csis.org/china-rare-earths/*; Mary Hui, "Australia's Lynas Is Riding a Wave of Surging Rare Earths Demand," *Quartz*, July 26, 2021. *https://qz.com/2037853/australias-lynas-rare-earths-posts-record-quarterly-revenue/*.

[48] *Canberra Times*, "Aust to Host 2022 Regional Energy Summit," September 25, 2021. *https://www.canberratimes.com.au/story/7444820/aust-to-host-2022-regional-energy-summit/*.

[49] Uyghur Forced Labor Prevention Act, Pub. L. 117–78 No. 135 Stat. 1525, 2021. *http://uscode.house.gov/statviewer.htm?volume=135&page=1525*.

[50] Uyghur Forced Labor Prevention Act, Pub. L. 117–78 No. 135 Stat. 1525, 2021. *http://uscode.house.gov/statviewer.htm?volume=135&page=1525*.

[51] Uyghur Forced Labor Prevention Act, Pub. L. 117–78 No. 135 Stat. 1525, 2021. *http://uscode.house.gov/statviewer.htm?volume=135&page=1525*.

[52] Uyghur Forced Labor Prevention Act, Pub. L. 117–78 No. 135 Stat. 1525, 2021. *http://uscode.house.gov/statviewer.htm?volume=135&page=1525*.

[53] Phelim Kine and Gavin Bade, "New Law to Combat Forced Labor in China Sparks Enforcement Debate," *Politico*, December 23, 2021. *https://www.politico.com/news/2021/12/23/forced-labor-china-law-debate-526044.*

[54] Sinéad Baker, "China called Walmart stupid after it was accused of removing Xinjiang-made products from Sam's Club," *Business Insider*, January 5, 2021. https://www.businessinsider.com/china-slams-walmart-after-claims-sams-club-removed-xinjiang-products-2022-1

[55] China's Central Commission for Disciplinary Inspection, "Sam's Club Maliciously Removes Xinjiang Products: There Is No Room for Ambiguity about the Principled Position (山姆会员店恶意下架新疆产品: 原则立场问题不容含糊)," December 31, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:https://www.ccdi.gov.cn/yaowenn/202112/t20211231_161594.html*.

[56] China's Central Commission for Disciplinary Inspection, "Sam's Club Maliciously Removes Xinjiang Products: There Is No Room for Ambiguity about the Principled Position (山姆会员店恶意下架新疆产品: 原则立场问题不容含糊)," December 31, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:https://www.ccdi.gov.cn/yaowenn/202112/t20211231_161594.html*; Stu Woo, "China Disappeared H&M from Its Internet, Splitting Fashion Industry Group," *Wall Street Journal*, May 22, 2021. *https://www.wsj.com/articles/chinas-campaign-against-h-m-divides-fashion-industry-group-11621686650.*

[57] Ryan Fedasiuk, "A Different Kind of Army: The Militarization of China's Internet Trolls," *Jamestown Foundation*, April 12, 2021. *https://jamestown.org/program/a-different-kind-of-army-the-militarization-of-chinas-internet-trolls.*

[58] Ana Swanson, Catie Edmondson, and Edward Wong, "U.S. Effort to Combat Forced Labor Targets Corporate China Ties," *New York Times*, December 23, 2021. *https://www.nytimes.com/2021/12/23/us/politics/china-uyghurs-forced-labor.html.*

[59] Rachel Treisman, "China Slaps Sanctions on 28 Trump Administration Officials, Including Mike Pompeo," *NPR*, January 20, 2021. *https://www.npr.org/2021/01/20/958996415/china-slaps-sanctions-on-28-trump-administration-officials-including-mike-pompeo*.

[60] Emilio Casalicchio, "UK Hints at Banning Chinese Imports with Forced Labor Links," *Politico*, December 20, 2021. *https://www.politico.eu/article/uk-could-impose-chinese-forced-labor-import-ban/*.

[61] Daniel Hurst, "Australian Senate Passes Bill Banning Imports Made Using Forced Labour," *Guardian*, August 22, 2021. *https://www.theguardian.com/australia-news/2021/aug/23/australian-senate-poised-to-pass-bill-banning-imports-made-using-forced-*

labour; Customs Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020 (Australia), 2021, *https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bId=s1284*.

[62] Mehreen Khan, "EU Urges Caution on Any Ban on Imports Made with Forced Labour," *Financial Times*, December 23, 2021. *https://www.ft.com/content/748a837b-ac51-4f2e-9a5d-3af780ec8444*.

[63] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[64] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*; Frank Tang and Orange Wang, "China's Economic Policymakers Doubling Down on 'Stability' for 2022 in Face of 'Threefold Pressure,'" *South China Morning Post*, December 10, 2021. *https://www.scmp.com/economy/china-economy/article/3159275/chinas-economic-policymakers-doubling-down-stability-2022*.

[65] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[66] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[67] Luna Sun, "China's Retail Sales Slowdown Highlights Fear of 'Threefold Pressure,'" *South China Morning Post*, December 15, 2021. *https://www.scmp.com/economy/economic-indicators/article/3159847/chinas-retail-sales-slowdown-highlights-fear-threefold*; Tom Mitchell, "Beijing to Moderate Monetary Policy to Support Growth," *Financial Times*, December 10, 2021. *https://www.ft.com/content/c5095484-0e34-4262-bb6f-b82ba69b9b76*.

[68] Denise Jia, "China Sets Stability as Top Priority for Next Year's Economic Work," *Caixin*, December 11, 2021. *https://www.caixinglobal.com/2021-12-11/china-sets-stability-as-top-priority-for-next-years-economic-work-101816437.html*.

[69] *Bloomberg*, "Double-Digit Price Hikes on China Exports Add to Inflation Risk," October 19, 2021. *https://www.bloomberg.com/news/articles/2021-10-19/double-digit-price-hikes-on-china-exports-add-to-inflation-risk?sref=mxbIZFb4*; *S&P Global*, "China's Steel Output Cuts Continue to Gather Pace in September," September 15, 2021. *https://www.spglobal.com/platts/en/market-insights/latest-news/metals/091521-analysis-chinas-steel-output-cuts-continue-to-gatherpace-in-september*.

[70] *Reuters*, "China's Factory Inflation Hits 26-Year High as Power Crunch Bites," November 9, 2021. *https://www.reuters.com/world/china/chinas-factory-gate-inflation-hits-26-year-high-2021-11-10/*.

[71] Yawen Chen, "Xi's New Year's Resolutions Are Hard Balancing Act," *Reuters*, December 12, 2021. *https://www.reuters.com/breakingviews/xis-new-years-resolutions-are-hard-balancing-act-2021-12-13/*; Stella Yifan Xie, "China Shifts Back to Emphasizing Economic Stability," *Wall Street Journal*, December 10, 2021. *https://www.wsj.com/articles/china-shifts-back-to-emphasizing-economic-stability-11639153119*.

[72] China National Statistics Bureau, "China National Property Construction Investment Increased 4.4 Percent in 2021" (21 年全国房地产开发投资增长 4.4%), January 17, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:--Zh3Cck4DUJ:www.stats.gov.cn/tjsj/zxfb/202201/t20220117_1826408.html+&cd=1&hl=en&ct=clnk&gl=us*.

[73] Interactive Data Pricing and Reference Data LLC via S&P Capital IQ database.

[74] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[75] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[76] Allen Feng and Logan Wright, "High Stakes at the Central Economic Work Conference," *Rhodium Group*, December 6, 2021, 2.

[77] Trivium China Markets, "The Party Sets Its Economic Strategy for 2022," December 14, 2021, 5; Iris Pang, "China's Economic Policies for 2022 – Stability is the Key," *ING*, December 12, 2021. *https://think.ing.com/articles/chinas-economic-policies-for-2022-stability-is-the-key*.

[78] Cheng Siwei and Tang Ziyi, "China Front-Loads 2022 Special Bonds to Boost Local Infrastructure," *Caixin*, December 17, 2021. *https://www.caixinglobal.com/2021-12-17/china-front-loads-2022-special-bonds-to-boost-local-infrastructure-spending-101819285.html*.

[79] Melinda Liu, "China's Energy Conundrum," *Foreign Policy*, November 5, 2021. *https://foreignpolicy.com/2021/11/05/china-coal-energy-climate-crisis-environment-electricity-cop26/*; Charlie Campbell, "Why 'Common Prosperity' Has China's Billionaires Running for Cover," *Time*, September 10, 2021. *https://time.com/6095560/china-common-prosperity/*.

[80] *Xinhua*, "The Central Economic Work Conference Was Held in Beijing, Xi Jinping and Li Keqiang Delivered Important Speeches, Li Zhanshu, Wang Yang, Wang Huning, Zhao Leji, and Han Zheng All Attended the Meeting" (中央经济工作会议在北京举行 习近平李克强作重要讲话 栗战书汪洋王沪宁赵乐际韩正出席会议), December 10, 2021. Translation. *http://webcache.googleusercontent.com/search?q=cache:ECkW4vv-t0QJ:www.news.cn/politics/leaders/2021-12/10/c_1128152219.htm+&cd=1&hl=en&ct=clnk&gl=us*.

[81] Dow Jones, "China Politburo Says It Will Allow Property Market to Better Meet Reasonable Home Demand," December 6, 2021. *https://www.marketwatch.com/story/china-politburo-says-it-will-allow-property-market-to-better-meet-reasonable-home-demand-271638790495*.

[82] Stella Yifan Xie, Jon Emont, and Alistair MacDonald, "Supply-Chain Problems Show Signs of Easing," *Wall Street Journal*, November 21, 2021. *https://www.wsj.com/articles/supply-chain-problems-show-signs-of-easing-11637496002*; *Bloomberg*, "China's Exports and Imports Hit New Records on Strong Demand," December 6, 2021. *https://www.bloomberg.com/news/articles/2021-12-07/china-s-exports-expand-to-new-record-on-strong-trade-growth?sref=mxbIZFb4*.

[83] U.S. Census Bureau, *Trade in Goods with China*, January 6, 2022.

[84] U.S. Census Bureau, *Trade in Goods with China*, January 6, 2022.

[85] Kane Wu, Fanny Potkin, and Scott Murdoch, "EXCLUSIVE Chinese Fashion Retailer SHEIN Revives Plan for New York Listing in 2022 – Sources," January 25, 2022. *https://www.reuters.com/markets/europe/exclusive-chinese-fashion-retailer-shein-revives-plan-new-york-listing-2022-2022-01-25/*.

[86] *Bloomberg News*, "How Trump's Trade War Built Shein, China's First Global Fashion Giant," June 14, 2021. *https://www.bloomberg.com/news/articles/2021-06-14/online-fashion-giant-shein-emerged-from-china-thanks-to-donald-trump-s-trade-war?sref=ExbtjcSG*; Casey Hall, "Ultra-Fast Fashion Giant Shein Takes Aim at Premium Segment," April 15, 2021. *https://www.businessoffashion.com/news/china/cross-border-fast-fashion-giant-shein-takes-aim-at-premium-segment/*; *Finance Jie*, "Cross-Border E-Commerce Shein's 2020 Earnings Are Close to $10 Billion (跨境电商 SheIn2020 年盈利接近一百亿美元), December 31, 2020. Translation. *http://www.financejie.com/articleid/91684.html*.

[87] *Bloomberg News*, "How Trump's Trade War Built Shein, China's First Global Fashion Giant," June 14, 2021. *https://www.bloomberg.com/news/articles/2021-06-14/online-fashion-giant-shein-emerged-from-china-thanks-to-donald-trump-s-trade-war?sref=ExbtjcSG*.

[88] Michelle Toh, "The Mysterious Chinese Fashion App That's as Popular as Amazon," *CNN*, August 16, 2021. *https://www.cnn.com/2021/08/14/business/shein-china-fast-fashion-intl-hnk/index.html*.

[89] *Economist*, "Shein Exemplifies a New Style of Chinese Multinational," October 9, 2021. *https://www.economist.com/business/shein-exemplifies-a-new-style-of-chinese-multinational/21805217*; Michelle Toh, "The Mysterious Chinese Fashion App That's as Popular as Amazon," *CNN*, August 16, 2021. *https://www.cnn.com/2021/08/14/business/shein-china-fast-fashion-intl-hnk/index.html*.

[90] Michelle Toh, "The Mysterious Chinese Fashion App That's as Popular as Amazon," *CNN*, August 16, 2021. *https://www.cnn.com/2021/08/14/business/shein-china-fast-fashion-intl-hnk/index.html*.

[91] Terry Nguyen, "Shein Is the Future of Fast Fashion. Is That a Good Thing?" *Vox*, August 10, 2021. *https://www.vox.com/the-goods/22573682/shein-future-of-fast-fashion-explained*.

[92] Terry Nguyen, "Shein Is the Future of Fast Fashion. Is That a Good Thing?" *Vox*, August 10, 2021. *https://www.vox.com/the-goods/22573682/shein-future-of-fast-fashion-explained*.

[93] *Economist*, "Shein Exemplifies a New Style of Chinese Multinational," October 9, 2021. *https://www.economist.com/business/shein-exemplifies-a-new-style-of-chinese-multinational/21805217*.

[94] Lora Jones, "Shein: The Secretive Chinese Brand Dressing Gen Z," *BBC*, November 9, 2021. *https://www.bbc.com/news/business-59163278*.

[95] Terry Nguyen, "Shein Is the Future of Fast Fashion. Is That a Good Thing?" *Vox*, August 10, 2021. *https://www.vox.com/the-goods/22573682/shein-future-of-fast-fashion-explained*.

[96] *Bloomberg News*, "How Trump's Trade War Built Shein, China's First Global Fashion Giant," June 14, 2021. *https://www.bloomberg.com/news/articles/2021-06-14/online-fashion-giant-shein-emerged-from-china-thanks-to-donald-trump-s-trade-war?sref=ExbtjcSG*.

[97] Import Security and Fairness Act, H.R. 6412, introduced January 18, 2022. *https://www.congress.gov/bill/117th-congress/house-bill/6412/text?r=26&s=1*.

[98] Import Security and Fairness Act, H.R. 6412, introduced January 18, 2022. *https://www.congress.gov/bill/117th-congress/house-bill/6412/text?r=26&s=1*.

[99] Lora Jones, "Shein: The Secretive Chinese Brand Dressing Gen Z," *BBC*, November 9, 2021. *https://www.bbc.com/news/business-59163278*.

[100] Lora Jones, "Shein: The Secretive Chinese Brand Dressing Gen Z," *BBC*, November 9, 2021. *https://www.bbc.com/news/business-59163278*; Mary Hanbury, "How China's Most Mysterious Billion-Dollar Company, Shein, Won Over U.S. Teens and Became TikTok's Most-Hyped Fashion Brand," *Insider*, October 5, 2021. *https://www.businessinsider.com/shein-china-billion-dollar-company-fast-fashion-brand-2021-8*.

[101] Marthe de Ferrer, "How Are Shein Hauls Making Our Planet Unlivable?" *Euronews*, September 9, 2021. *https://www.euronews.com/green/2021/09/08/how-are-shein-hauls-making-our-planet-unlivable*.

[102] Sadie Bargeron, "How China's Shein Conquered Global Social Media," *Jing Daily*, April 9, 2021. *https://jingdaily.com/how-chinas-shein-conquered-global-social-media/*.

[103] Dave Lee, "Chinese Ecommerce Site Shein Hit with Trademark Disputes," *Financial Times*, June 13, 2021. *https://www.ft.com/content/b87df56a-cb71-4b6a-8c36-6e2db9a52c7c*.

[104] Chavie Lieber, "Fashion Brands Steal Design Ideas All the Time. And It's Completely Legal," *Vox*, April 27, 2018. *https://www.vox.com/2018/4/27/17281022/fashion-brands-knockoffs-copyright-stolen-designs-old-navy-zara-h-and-m*.

[105] United Nations Economic Commission for Europe, "UN Alliance Aims to Put Fashion on Path to Sustainability," July 12, 2018. *https://unece.org/forestry/press/un-alliance-aims-put-fashion-path-sustainability*.

[106] Lora Jones, "Shein: The Secretive Chinese Brand Dressing Gen Z," *BBC*, November 9, 2021. *https://www.bbc.com/news/business-59163278*.

[107] Isabella Wolfe, "How Ethical Is SHEIN?" *Good on You*, March 24, 2021. *https://goodonyou.eco/how-ethical-is-shein/*.

[108] Timo Kollbrunner, "Toiling Away for Shein," *Public Eye*, November 2021. *https://stories.publiceye.ch/en/shein/*.

[109] Timo Kollbrunner, "Toiling Away for Shein," *Public Eye*, November 2021. *https://stories.publiceye.ch/en/shein/*.

[110] Lora Jones, "Shein: Chin Fashion Giant Investigates 'False' Anti-Uyghur Job Ads," *BBC*, August 28, 2021. *https://www.bbc.com/news/business-58284855*.

[111] Vanessa Friedman, "New York Could Make History with a Fashion Sustainability Act," *New York Times*, January 7, 2022. *https://www.nytimes.com/2022/01/07/style/new-york-fashion-sustainability-act.html*.

[112] Fashion Sustainability and Social Accountability Act, New York Assembly Bill A8352, January 2022.