

Index

- agency hypothesis, 146
- agency problem
absence of, 65, 66
inherent, 138
multilayered, 140, 142, 157
triple, 64, 65
- All-China Federation of Trade Unions (ACFTU), 164
- antidiscrimination. *See* employment law
- Bank of China, investment in USA, 26
- capitalism. *See* free-market capitalism; state capitalism
- CFIUS review regime. *See* national security review of foreign investments, US
- China, 14, 25, 30, 38–9, 42, 53, 60, 69, 89, 90
changes in US–China relations, 217
foreign currency control, 215
institutional distance from USA, 58, 80, 82, 84, 112
investment in USA. *See* outbound direct investment
legal transplant from USA, 113
state capitalism. *See* state capitalism
- Civil Rights Act, Title VII (USA), 67, 155
- companies. *See* firms
- compliance, 47, 117
- current study. *See* survey and data
- data. *See* survey and data
- decision-making
concept of decision-making power, 75
empowerment of local management, 55, 75, 83, 100, 222
investment decisions, 206
- discrimination. *See* employment law
- due process, CFIUS regime and, 190, 195, 209, 214
- economic transformation of China since 1970s, 11
- employment law, China
All-China Federation of Trade Unions (ACFTU), 164
employment practices of Chinese firms in foreign countries, 160
employment practices of Chinese firms in USA, 163
gender discrimination, 155
institutional distance from USA, 155, 180
laws against employment discrimination, 151
- employment law, US
academic studies of, 150, 180
analysis of, 112
applicability to Chinese firms, 149
Chinese adaptability to, 166
Chinese employment practices in USA, 163
Chinese expatriates in USA, 161, 162, 180
Chinese human resources management, 32, 165
Chinese localization of workforce, 181
Chinese SOEs and, 172, 181
Chinese use of antidiscrimination measures, 174
Chinese use of US employment law
professionals, 165
Chinese views on, 163, 172
discrimination disputes with Chinese employers, 149, 177
employment in Chinese firms, 150
gender discrimination, 156
in-house counsel, advice from, 166
institutional distance from China, 112, 155, 180
job gains from Chinese investment, 148
job losses from globalization, 148
labor unions, 164
legal transplant to China, 113
survey contribution to research, 221

- survey findings, 180
 - theory of labor market discrimination, 170
 - Title VII of Civil Rights Act, 67, 155
- expatriates, 161, 162, 180
- firms, Chinese
 - ability to adapt to US law and regulation, 74, 82, 83, 100
 - access and use of US professional knowledge, 77, 84, 106, 128, 165, 196, 223
 - agency problem. *See* agency problem
 - Chinese expatriates in USA, 161, 162, 180
 - compliance with US law and regulation, 47
 - decision-making empowerment of US local management, 75, 83, 100, 222
 - desire to adapt to US law and regulation, 68, 82, 83, 88
 - distinct features of, 145
 - employment law. *See* employment law
 - examples of investment in USA, 24
 - human resources management, 32, 165
 - in-house counsel, use of, 77, 223
 - investment motives, 37, 68, 88
 - investment overview, 39
 - investment strategies, 217
 - national security review of investments. *See* national security review of foreign investments, US
 - perceptions of US law and regulation, 57, 69, 82, 95
 - prospective/recent investors, advice for, 222
 - regard for US social, political, and economic systems, 71
 - SOEs. *See* state ownership; state-owned enterprises
 - survey data about ODI in USA, 37, 43
 - surveys of Chinese firms in USA, 32
 - taxation in USA. *See* taxation, US and US business environment, 72 and US legal system, 73
 - variations in survey results. *See* inter-firm variations in survey results
- foreign-currency control, 215
- foreign direct investment (FDI)
 - outbound. *See* outbound direct investment
 - taxation and, 117
- foreign investors
 - ability to adapt to host-country institutions, 55
 - access and use of local professional knowledge, 56
 - adaptation to host-state law and regulation, 4, 9, 48, 80, 82
 - decision-making empowerment of local management, 55
 - desire to adapt to host-country institutions, 52
 - institutional distance between home state and host state, 48
 - investment motives, 53
 - perceptions of host-state institutions, 54
- free-market capitalism, 9, 12, 19, 85, 95, 219, 223
- future US policy, implications and challenges for, 215
- host-state law and regulation. *See* law and regulation
- Huawei (firm), investment in USA, 28
- human resource management (HRM), 32, 165
- in-house counsel
 - Chinese firms' use of, 77, 223
 - domestic firms' use of, 74
 - employment law, 166
 - state ownership in relation to employment of, 108
- institutional distance between China and USA
 - concept of institutional distance, 48
 - employment law, 112, 180
 - general institutional distances, 58, 80, 82, 112
 - national security review of foreign investments, 112, 184, 212
 - and state ownership, 83, 84
 - survey findings, 79
 - taxation, 112, 119
 - variation across different subject matter areas, 7
- inter-firm variations in survey results
 - ability to adapt to US law and regulation, 100
 - adaptation to CFIUS regulation, 209, 213
 - adaptation to US employment law, 157, 180
 - adaptation to US law and regulation, 6, 80, 82, 216
 - adaptation to US tax system, 136, 145, 146
 - desire to adapt to US law and regulation, 52
 - employment discrimination, responses to, 174, 177, 179, 221
 - influence of state ownership, 8, 86, 97, 134, 146, 179, 213, 216, 220
 - institutional distance, 112
 - perceptions of US law and regulation, 95
 - use of US professional knowledge, 106
- Internal Revenue Service (IRS). *See* taxation, US
- investment. *See* foreign investors; outbound direct investment
- labor. *See* employment law
- law and regulation
 - ability to adapt to host-country institutions, 55
 - access and use of local professional knowledge, 56

- law and regulation (cont.)
 adaptation to host state's, 48
 Chinese firms and US. *See* firms, Chinese
 Chinese ODI and changes in, 217
 decision-making empowerment of local
 management, 55, 75, 83, 100, 222
 desire to adapt to host-country institutions, 52
 foreign investors' adaptation to, analytical
 framework, 9, 48, 80, 82, 215
 future US policymaking, 221
 impact of Chinese ODI in USA, 47
 institutional distance between home state and
 host state, 48
 investment motives for adapting to host
 state's, 53
 legal transplant from USA to China, 113
 perceptions of host-state institutions, 54
 survey findings, 54
- lawyers. *See* in-house counsel; local professional
 knowledge
- Lenovo (firm), investment in USA, 25
- local management, decision-making
 empowerment of, 55, 75, 83, 100, 222
- local professional knowledge
 access and use of, 56, 77, 84, 106, 223
 CFIUS specialist lawyers, 196
 employment law professionals, 165
 tax professionals, 128
- management
 benefit from state capitalism, 95
 Chinese expatriates in USA, 161, 162, 180
 Chinese familiarity with US law and
 regulation, 113
 Chinese perceptions of US law and
 regulation, 95
 decision-making empowerment of local
 management, 55, 75, 83, 100, 222
- motives for investment
 Chinese firms in USA, 37, 68, 88
 foreign investors, 53
- multilayered agency problem. *See* agency problem
- multinational enterprises (MNEs). *See* firms,
 Chinese
- national security review of foreign investments, US
 academic studies of, 213
 analysis of, 112
 CFIUS regime, 184
 Chinese CFIUS filings, 198, 209
 and Chinese investment decision-making, 206
 Chinese investments under, 193
 Chinese opinions of, 194, 201
 Chinese reactions to, 183, 213
- Chinese SOEs and, 183, 200
 Chinese unfamiliarity with, 113
 Chinese use of US lawyers, 196
 due process, 190, 195, 209, 214
 institutional distance from China, 112, 184, 212
 likelihood of review, 182
 potential for future conflicts, 214
 presidential veto, 191, 194, 206, 214, 222
Ralls Corporation v. CFIUS, 189, 203, 209,
 210, 213
 reform of, 221
 security risk concerns about FDI, 183
 survey contribution to research, 213, 221
 survey findings, 212
- nomenklatura* system, state ownership and, 61
- nondiscrimination. *See* employment law
- outbound direct investment (ODI)
 and changes in US law, 217
 changes in US–China relations, 217
 China's shift to USA, 12, 42
 Chinese firms in USA. *See* firms, Chinese
 debate on impact of Chinese ODI, 2, 9, 12, 16, 42
 distinct features of Chinese ODI, 116
 foreign-currency control by China, 215
 future US policymaking, 221
 growth of Chinese ODI, 1, 12, 42, 215
 investment strategies of Chinese firms, 217
 investors. *See* foreign investors
 main sectors of Chinese investment, 22
 overview of Chinese ODI in USA, 22
 survey approach to, 5
 survey contribution to research, 4, 9
 survey data about Chinese ODI in USA, 37, 43
 survey of Chinese ODI in USA, 32
 US perceptions of threats from Chinese ODI, 12,
 43, 47, 79
 US review of. *See* national security review of
 foreign investments, US
- professional knowledge. *See* local professional
 knowledge
- Ralls Corporation v. CFIUS*, 189, 203, 209, 210, 213
- Sany (firm), 189, 190, 195
- state capitalism
 definition of, 3
 and free-market capitalism, 9, 12, 19
 future policy implications and challenges for
 USA, 218
 and investment motives, 53, 54
 management benefit from, 87
 manifestation of, 11, 74, 82

- no clash with free-market capitalism, 223
- ODI and, 19, 35
- and state ownership, 83, 84, 85, 87
- survey contribution to research, 9, 219
- state ownership, 2, 3, 117, 134
 - and ability to adapt to US law and regulation, 83, 100
- academic studies of, 3, 82
- and access to and use of US professional knowledge, 84, 106
- Chinese SOEs. *See* firms, Chinese
- and decision-making empowerment of US local management, 83, 100
- and desire to adapt to US law and regulation, 83, 88
- distinctive feature of Chinese ODI, 83
- employment of in-house counsel in relation to, 108
- enhancement of, 217
- and free-market capitalism, 85
- influence on Chinese adaptation to US law and regulation, 82
- and institutional distance, 83, 84
- inter-firm variations in influence of, 8, 86, 97, 134, 146, 179, 213, 216, 220
- nomenklatura* system, 61
- and state capitalism, 83, 84, 85, 87
- survey contribution to research, 9, 83, 219
- and US employment law, 172, 181
- and US national security review of foreign investments, 183, 200
- and US tax system, 134
- survey and data
 - applicability to future policymaking, 221
 - applicability to future research, 215
 - Chinese ability to adapt to US institutions, 80, 112
 - Chinese adaptability to CFIUS, 212, 221
 - Chinese adaptability to US employment law, 180, 221
 - Chinese adaptability to US tax system, 145, 220
 - Chinese desire to adapt to US institutions, 80, 112
 - Chinese firms in USA, 32
 - Chinese ODI in USA, 32, 82
 - contribution to research, 4, 9, 215
 - empirical findings, 216
 - empirical tests, 84
 - influence of state ownership, 9, 83, 219
 - institutional distance between China and USA, 80, 112
- inter-firm variations. *See* inter-firm variations in survey results
- investment motives of Chinese firms, 37
- new directions for research, 217
- overview of Chinese firms' investment in USA, 39
- prospective/recent investors, advice for, 222
- qualitative and quantitative methods, 5
- state capitalism, 219
- taxation, and foreign direct investment, 117
- taxation, US
 - academic studies of, 116
 - analysis of, 112
 - avoidance by Chinese firms, 130, 136
 - Chinese adaptability to, 124
 - Chinese opinions of, 135
 - Chinese perceptions of, 124
 - Chinese reaction to, 116, 130
 - Chinese SOEs and, 134
 - Chinese use of US tax professionals, 128
 - compliance challenges for Chinese, 117
 - institutional distance from China, 112, 115, 119
 - IRS tax audit disputes with Chinese firms, 132, 140
 - legal transplant to China, 113
 - survey contribution to research, 220
 - survey findings, 145
- trade unions. *See* employment law
- triple-agency problem. *See* agency problem
- United States
 - business environment, 72
 - CFIUS review regime. *See* national security review of foreign investments, US
 - changes in US–China relations, 217
 - Chinese firms in. *See* firms, Chinese
 - Chinese investment in. *See* outbound direct investment
 - Civil Rights Act, Title VII, 67, 155
 - future policy, implications and challenges for, 215
 - future US policymaking, 221
 - institutional distance from China, 58, 80, 82, 84, 112
 - law and regulation, Chinese compliance with. *See* firms, Chinese
 - political changes under Trump administration, 217
 - tax system. *See* taxation, US