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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1303  
January 10, 2016

Donald J. Trump  
President-Elect  
Trump Tower  
725 Fifth Avenue  
New York, NY 10022

Dear President-Elect Trump,

We are writing to you regarding China's recent request for consultation with the United States and the European Union at the World Trade Organization (WTO) concerning the application of non-market economy (NME) price comparison methodologies for Chinese products in antidumping investigations. Given continued mercantilist activities, including subsidization, industrial planning, currency misalignment policies, overcapacity, and state-owned enterprises; we believe that the United States must continue the longstanding policy of treating China as a NME, as WTO rules allow.

Under WTO rules, a NME is appropriately treated differently for the purposes of calculating antidumping duties. However, China is now alleging that it should automatically attain market economy status (MES) based on its interpretation of Article 15 of its Protocol of Accession to the WTO (the Protocol), and has requested consultations with the United States to force the United States and other nations to treat China as a market economy.

We strongly believe, as does the Obama administration, that the Protocol does not automatically bestow upon China MES. We agree with this interpretation. Nothing in Article 15 of the Protocol automatically grants China MES.

Preemptively granting China MES would undermine the effectiveness of our trade enforcement policies used to combat unfairly priced Chinese imports. It is vital that these policies continue to prevent domestic producers from being driven out of business and workers from being laid off due to continued Chinese central planning and non-market policies. We strongly urge you to continue and reaffirm the U.S. policy of continuing to treat China as a NME, which is appropriate given WTO rules, the facts, and the underlying U.S. statutory test. This is not a political question, but a substantive one. Ensuring that facts determine the outcome will incentivize China to abandon market-distorting policies while protecting businesses and jobs here in the United States. We thank you for your consideration of this request.

Sincerely,



DANIEL W. LIPINSKI  
Member of Congress



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