EXHIBIT 3

p. 37) by, among other things, putting an end to the situation where the inability to use home market sales prices because of restrictions prevented findings of dumping and the imposition of dumping duties. (*Ibid.*, pp. 23, 24.)

It certainly would be contrary to the origin and purpose of the 1958 amendments to administer the Antidumping Act in a way which eliminated higher "foreign value" prices, in fact available for use under the meaning of that term in customs law, and to use in their stead selected lower home market prices not available to all purchasers without making adjustments in the price which would fairly reflect the market value of the merchandise without the restrictions, and so eliminate dumping margins. This interpretation of the 1958 amendments is borne out by the following remark included in the testimony of the Assistant Secretary of the Treasury before the Senate Finance Committee:

> "Going back to the 1921 law, we have said that the standard for calculating dumping duties was typically the exporter's home price. If that price was higher than the price to the United States, the difference was the dumping duty. Now, the effect of a restriction such as limiting resale to a geographic area is, if anything, to reduce the value of the article in the purchaser's hands. Does it make sense to say that when such a restriction is placed on home sales, the standard for dumping duty should instead be an even lower third country price? We do not think it does. We do not think that such would have been the intention of Congress when it enacted the 1921 legislation." (*Ibid.*, p. 23)