EXHIBIT 3

The Congress took the Treasury Department at its word in approving the Antidumping Act amendments. In reporting the bill which became law, the Senate Finance Committee stated:

> "A principal change in the Antidumping Act of 1921 as amended which would be made by H. R. 6006 involves amendment of the definition of 'foreign market value' in section 205 of the act so as to permit the use of prices in 'restricted' sales in the determination of foreign market value. This amendment would bring the definition of 'foreign market value' into conformity with the definition of 'fair value' in the Treasury regulations. The amendment would be advantageous to the administration of the act because, with the disparity in the definitions of 'foreign market value' and 'fair value' that now exists, imported merchandise may be found to be sold below fair value to the injury of domestic industries but no antidumping duties may be chargeable. *Such a situation can arise, for example, where the exclusion of a higher home market price as a basis for foreign market value requires reference to third country prices and where such prices are the same as or lower than the prices at which such or similar merchandise is sold to the United States."*
> (S. Rep. 1619, 85th Cong., May 21, 1958) (Emphasis added.)

There is no basis in the legislative history for believing that Congress understood or intended that the 1958 amendments would be used as a basis for ignoring freely offered home market prices, acceptable as a basis for customs valuation under the definition of foreign value, which are higher than the export prices to the United States, and selecting restricted prices which are lower, and which eliminate the margin of dumping. Congress understood that the amendments were protective. The Senate Finance Committee stated: