

EXHIBIT 3

interested person. Sec. 14.6a(b) permits persons submitting information to request that it, or part of it, be kept confidential. But Sec. 14a(c) of the Regulations states at paragraph (2) that information relating to price information, allowances for quantity purchases, and to claimed differences in circumstances of sale "will ordinarily be regarded as appropriate for disclosure."

In practice, however, the foreign manufacturers of imported merchandise subject to investigation under the Antidumping Act label all information submitted to the Bureau of Customs in an antidumping proceeding as "confidential." The Bureau, in administering this provision of the Act, then "negotiates" with the foreign manufacturers to obtain their compliance with this provision of our laws. Such a practice is hardly conducive to a fair and effective administration of the Act which Congress intended as an instrument for the removal of unfair practices in our import trade.

Failure of the Treasury Department to base its "fair value" determinations in antidumping proceedings upon the "foreign value" of the imported merchandise as defined in the Tariff Act of 1930 is contrary to the intent of Congress.

The Antidumping Act [Sec. 160(a)] specifies that the basic finding to be made by the Secretary of the Treasury (based on information submitted to him by the Bureau of Customs) is whether the imported merchandise "is being, or is likely to be, sold in the United States