
A BILL FOR AN ACT

To amend title 20 of the Code of the Federated States of Micronesia (Annotated), by creating a new chapter 15, in order to establish rules on competition and anti-dumping in air services, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Title 20 of the Code of the Federated States of
2 Micronesia (Annotated), is hereby amended by creating a new
3 chapter 15 entitled: "Fair Competition".

4 Section 2. Title 20 of the Code of the Federated States of
5 Micronesia (Annotated), is hereby amended by inserting a new
6 section 1501 under chapter 15 to read as follows:

7 "Section 1501. Statement of Policy. It is hereby
8 declared to be the policy of the Federated States of
9 Micronesia:

10 (1) That all people have the right to access to
11 quality, safe, effective and affordable air
12 transportation services;

13 (2) That whereas competition is encouraged, unfair
14 practices that undermine competition are strictly
15 prohibited and shall be stopped; and

16 (3) That the Secretary of Transportation
17 Communication and Infrastructure shall regulate and
18 oversee air transportation in the Federated States of

1 Micronesia in order to ensure fair competition and to
2 void unfair practices that are deleterious to the
3 public."

4 Section 3. Title 20 of the Code of the Federated States of
5 Micronesia (Annotated), is hereby amended by inserting a new
6 section 1502 under chapter 15 to read as follows:

7 "Section 1502. Anti-dumping.

8 (1) Dumping of air transport products and services is
9 prohibited. The Secretary may recommend to the
10 President the imposition of an anti-dumping duty
11 whenever circumstance warrant its imposition. The
12 amount of anti-dumping duty, and the administrative
13 details of its implementation, shall be approved by
14 regulation. The duty, if applicable, shall be applied
15 against any dumped product whose release for free
16 circulation in the Federated States of Micronesia causes
17 injury.

18 (2) A product or services is considered as being
19 dumped if its export price to the Federated states of
20 Micronesia is less than a comparable price for the like
21 product, in the ordinary course of trade, as established
22 for the exporting country.

23 (3) In order to determine administratively if a
24 product is dumped, the Secretary shall review pricing of
25 products and services and may order any person or entity

1 to produce document, record, or explanation to justify
2 price of products and services. The Secretary may
3 employ the services of experts to assist him in
4 enforcing this anti-dumping act, including the review of
5 pricing to determine whether products and services are
6 dumped.

7 (4) The Secretary may issue regulation in accordance
8 with the Administration Procedures Act to implement this
9 section. Such regulation shall provide for
10 administrative procedures, remedies and due process in
11 determining whether certain produces are dumped. Such
12 regulation once promulgated shall have the force and
13 effect of law."

14 Section 4. This act shall become law upon approval by the
15 President of the Federated States of Micronesia or upon its
16 becoming law without such approval.

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18 Date: 9/17/18

Introduced by: /s/ Florencio S. Harper

Florencio S. Harper
(by request)

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