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:

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

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

“Section 1501. Statement of Policy. It is hereby declared to be the policy of the Federated States of Micronesia:

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

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

(3) That the Secretary of Transportation Communication and Infrastructure shall regulate and oversee air transportation in the Federated States of
Micronesia in order to ensure fair competition and to void unfair practices that are deleterious to the public.”

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

“Section 1502. Anti-dumping.

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

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

(3) In order to determine administratively if a product is dumped, the Secretary shall review pricing of products and services and may order any person or entity
to produce document, record, or explanation to justify price of products and services. The Secretary may employ the services of experts to assist him in enforcing this anti-dumping act, including the review of pricing to determine whether products and services are dumped.

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

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

Date: 9/17/18    Introduced by: /s/ Florencio S. Harper
                 Florencio S. Harper
                 (by request)