A BILL FOR AN ACT

To amend chapter 8 of title 53 of the Code of the Federated States of Micronesia (Annotated), by amending section 802 thereof, in order to limit surviving spouse benefits, by amending section 803 thereof, in order to limit surviving dependents' benefits, and for other purposes.

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

Section 1. Section 802 of title 53 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 802. Surviving spouse benefits.

(1) Every surviving spouse who:

(a) was married to an individual who died fully insured; and

(b) files an application

shall be entitled to a surviving spouse insurance benefit, subject to the earnings test as defined in this subtitle.

(2) Surviving spouse benefit payments shall be paid for each month commencing with the month of death of the fully insured spouse and ending when the employer-employee social security tax contributions from the individual who died fully insured are exhausted or [ending with] the month preceding the month in which the surviving spouse dies or remarries, whichever occurs
first.

(3) Notwithstanding the provision of subsection (1) and (2) of this section, retroactive payments shall be limited to the 12 months immediately preceding the month in which the surviving spouse has submitted an application.”

Section 2. Section 803 of title 53 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

“Section 803. Dependent’s benefits.

(1) Every surviving child who:

(a) was dependent upon an individual who died fully insured or currently insured; and

(b) has filed a complete application with the Social Security Administrator for survivor’s insurance; shall be entitled to a surviving child’s insurance benefit, subject to the earnings test as defined in this subtitle.

(2) A surviving child’s insurance benefit shall be paid for each month beginning with the month of death of the individual who died fully insured or currently insured and shall end with the month preceding the month which contains the first to occur of the following events:

(a) attainment of age 22 in the case of a
surviving child who is a bona fide student; or

(b) ceasing to be disabled after attainment of

age 18 in the case of a surviving child who was disabled

before attainment of age 22; or

(c) attainment of age 18 in the case of any

surviving child not described in preceding paragraphs

(a) and (b) of this subsection, except that benefits

shall be payable during the disability of a surviving

child who was disabled before the attainment of age 22

regardless of the child’s age; or

(d) marriage; [©]}

(e) adoption; or

(f) when the employer-employee social security

tax contributions from the individual who died fully

insured are exhausted.

(3) A surviving child shall be deemed to have been

dependent upon his parent or adopting parent unless that

parent or adopting parent was not living in the same

household with or contributing to the support of such

child prior to his death. The child’s insurance benefit

shall be paid to the individual upon whom the child is

currently dependent, except such benefit shall be

subject to the earnings test as defined in this

subtitle.

(4) Notwithstanding the provisions of subsections
(1) and (2) of this section, retroactive payments shall be limited to the 12 months immediately preceding the month in which the surviving child or the surviving child’s guardian has submitted an application.”

Section 3. This act shall take effect on January 1, 2023.

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: 7/20/22

Introduced by: /s/ Ferny S. Perman

Ferny S. Perman