
A BILL FOR AN ACT

To further amend title 53 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 14-37, 14-86, 15-73, and 16-10 by amending sections 807 and 809, to harmonize Social Security benefits among all non-citizens, and for other purposes.

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

1 Section 1. Section 807 of title 53 of the Code of the
2 Federated States of Micronesia, as amended by Public Law Nos. 14-37
3 is hereby further amended to read as follows:

4 "Section 807. Lump sum benefits.

5 (1) When a worker dies and the benefits paid,
6 including survivor benefit, have been less than four
7 percent of his cumulative covered earnings, the
8 survivors, heirs, or the estate of such individual shall
9 be paid a lump sum benefit, after all rights to survivor
10 benefits have terminated, in an amount equal to four
11 percent of the decedent's cumulative covered earnings,
12 reduced by the amount of any benefits paid to the
13 insured worker and his eligible dependents. For the
14 purpose of this section, cumulative covered earnings
15 includes earnings on which contributions have been paid
16 by the individual to the Trust Territory Social Security
17 System.

18 (2) In the absence of a will, survivors shall be paid
19 in the following order:

1 (a) spouse, if living, otherwise children in
2 equal shares or guardian, if such children are minors;

3 (b) parents in equal shares; or

4 (c) duly appointed legal representatives of the
5 deceased or, if none, person or persons determined to be
6 entitled thereto under the laws and customs of the last
7 domicile of the deceased person.

8 (3) Only citizens of the Federated States of
9 Micronesia [~~7, Republic of Palau and Republic of the~~
10 ~~Marshall Islands~~] and citizens of any nation whose
11 Social Security Administration, or equivalent office,
12 gives citizens and nationals of the Federated States of
13 Micronesia reciprocal treatment shall be eligible for
14 benefits under this section."

15 Section 2. Section 809 of title 53 of the Code of the Federated
16 States of Micronesia, as amended by Public Laws Nos. 14-37, 14-86,
17 15-73, and 16-10 is hereby further amended to read as follows:

18 "Section 809. Payment of benefits to foreign citizens
19 outside Federated States of Micronesia.

20 Unless modified by a totalization or other international
21 agreement, benefit payments under this act shall be paid
22 to a beneficiary who is not a citizen or a national of
23 the Federated States of Micronesia and does not reside
24 in the Federated States of Micronesia, as follows:

25 (a) Payments shall be made to any beneficiary who

1 is not a citizen or national of the Federated States of
2 Micronesia [~~citizens and nationals of the Republic of~~
3 ~~Palau, the Republic of the Marshall Islands, and the~~
4 ~~United States~~] as if they were citizens or nationals of
5 the Federated States of Micronesia as long as the Social
6 Security Administration, or equivalent office, of [~~these~~
7 ~~nations~~] a beneficiary's nation of citizenship gives
8 citizens and nationals of the Federated States of
9 Micronesia reciprocal treatment.

10 (b) For applications filed after this bill
11 becomes law, payments shall be made to citizens and
12 nationals of other nations if they are fully insured at
13 the time of application, in a lump sum equal to the
14 total amount contributed to the Social Security
15 Administration by the employee under section 901 of this
16 act while employed in the Federated States of Micronesia
17 as of the date the employee turns age 60 or is no longer
18 employed in the Federated States of Micronesia,
19 whichever is later, or dies prior to age 60. All
20 payments due under this section shall be payable over
21 six months, from the date of death, or the date of
22 turning age 60, and/or the date of filing an application
23 for such benefits, whichever is later subject to the
24 residency provision in paragraph (d) less any monthly or
25 periodic payments received.

1 (c) For applications filed prior to the date of
2 this bill becomes law, payments shall be made to
3 citizens and nationals of other nations in a lump sum
4 equal to the total amount contributed to the Social
5 Security Administration by the employee while employed
6 in the Federated States of Micronesia as of the date the
7 employee ceases to be a resident of the Federated States
8 of Micronesia in accordance with paragraph (d) of this
9 section.

10 (d) For purpose of this section, an individual
11 resides in the Federated States of Micronesia if they
12 are present in the territory of the Federated States of
13 Micronesia for 180 days out of the last 365 days and
14 have ties to the Federated States of Micronesia that
15 indicate residence such as a home, vehicle, bank account
16 or personal property.

17 (e) In determining the benefits and entitlements
18 under this title for an individual who receives a lump
19 sum payment in accordance with paragraphs (b), (c) or
20 (d) of this section and who subsequently returns to the
21 Federated States of Micronesia to undertake further
22 covered employment, no covered quarters, employee
23 contributions or employer contributions accrued by the
24 individual prior to receiving a lump sum payment shall
25 be counted."

1 Section 3. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

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5 Dated: 1/19/12 Introduced by: /s/ Yosiwo P. George
Yosiwo P. George

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