
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:

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

5 "Section 802. Surviving spouse benefits.

6 (1) Every surviving spouse who:

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

9 (b) files an application
10 shall be entitled to a surviving spouse insurance
11 benefit, subject to the earnings test as defined in this
12 subtitle.

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

1 first.

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

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

10 “Section 803. Dependent’s benefits.

11 (1) Every surviving child who:

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

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

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

25 (a) attainment of age 22 in the case of a

1 surviving child who is a bona fide student; or

2 (b) ceasing to be disabled after attainment of
3 age 18 in the case of a surviving child who was disabled
4 before attainment of age 22; or

5 (c) attainment of age 18 in the case of any
6 surviving child not described in preceding paragraphs

7 (a) and (b) of this subsection, except that benefits
8 shall be payable during the disability of a surviving
9 child who was disabled before the attainment of age 22
10 regardless of the child's age; or

11 (d) marriage; [~~or~~]

12 (e) adoption; or

13 (f) when the employer-employee social security
14 tax contributions from the individual who died fully
15 insured are exhausted.

16 (3) A surviving child shall be deemed to have been
17 dependent upon his parent or adopting parent unless that
18 parent or adopting parent was not living in the same
19 household with or contributing to the support of such
20 child prior to his death. The child's insurance benefit
21 shall be paid to the individual upon whom the child is
22 currently dependent, except such benefit shall be
23 subject to the earnings test as defined in this
24 subtitle.

25 (4) Notwithstanding the provisions of subsections

