

STANDING COMMITTEE REPORT NO. 16-29

RE: C.R. NO. 16-09/H&SA

SUBJECT: NATIONAL POLICY ON DISABILITY

SEPTEMBER 28, 2009

The Honorable Isaac V. Figir
Speaker, Sixteenth Congress
Federated States of Micronesia
Second Regular Session, 2009

Dear Mr. Speaker:

Your Committee on Health and Social Affairs (H&SA), to which was referred C.R. No. 16-09, entitled:

“A RESOLUTION APPROVING THE FEDERATED STATES OF MICRONESIA’S NATIONAL POLICY ON DISABILITY FOR THE PERIOD OF 2009 TO 2016.”,

begs leave to report as follows:

Your Committee held a public hearing on September 10, 2009 for discussions on proposed C.R. NO. 16-09.

Present at the hearings were: Chairman Setiro Paul; Vice Speaker Fredrico O. Primo; Floor Leader Joe N. Suka; Senator Paliknoa K. Welly; Senator Joseph J. Urusemal; Pelsesar Petrus, Special Assistant to the President; Dr. Vita Skilling, Secretary of the Department of Health and Social Affairs (DHSA); Miyai Keller, Special Ed Program of Department of Education; Osaia Santos, National Youth Coordinator at DHSA; Alik Jackson, Staff Attorney, and Marsha Kennedy, Staff Attorney. There was no representative from the Department of Justice present at the hearing.

The intent and purpose of the resolution are expressed in the title.

Testimony Summary

Office of the President: Special Assistant to the President Pelsesar Petrus explained that the National Policy on Disability, submitted to Congress as Presidential Communication No. 16-14, was developed by the DHSA, in collaboration with the Department of Education, Non-Governmental Organizations, International Organizations, State Governments, and community groups. The administration believes it is time to have a policy in place to respond to the needs and issues facing the disabled. The administration supports C.R. No. 16-09.

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Department of Health and Social Affairs (DHSA): Dr. Vita Skilling testified that there is currently no policy in place to address the needs of the disabled in the FSM. For persons ages 0-21, the FSM does receive Federal funding to provide Special Ed Services; however, after age 21, the disabled adults may be left with no assistance and a policy is needed regarding care of this population. The time period 2009 to 2016 was chosen on advice of the Department of Justice (DOJ); it is DOJ's position that it is best to see what kind of assistance is offered during this time and to do further research on what type of legislation is needed. Additionally, there is disability legislation pending in some State legislatures, and DOJ suggested that it would be helpful to wait and see if the State legislation passes, and if so, how successfully it is implemented. What happens on the State level will help the DHSA in determining what type of National legislation is needed. Comprehensive National legislation will take longer to develop, and C.R. No. 16-09 is a good start in that direction by raising awareness of the needs of the disabled and providing the necessary time to determine whether National legislation is needed and to appropriately draft such legislation. The Secretary supports legislation as soon as timely possible. DHSA was relying on the States to assist with a survey of the disabled and their needs but has not had much success; DHSA will need \$20,000 to complete the survey and is not certain at this time where that funding will come from.

Department of Education: The Department of Education confirmed that currently there are Federally funded Special Ed Services available for ages 0-21; the program is serving 1,544 kids this year. It was noted that it is more difficult for children on the outer islands to receive services. There are no services for persons over age 21.

State Comments: State comments were solicited and submitted in written form to the Committee. The State of Yap, Department of Health Services, wrote offering full support of C.R. No. 16-09. The Governor of Yap submitted comments from an Advisory Panel indicating support of the Resolution, but that they would like to see more permanent law or policy on disability and would like more details on how the Policy will be implemented, including where any necessary funding will come from. The Attorney General from the State of Kosrae submitted comments encouraging the FSM to adopt disability-friendly legislation. The Attorney General from

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the State of Pohnpei supports the concept of a National Policy on Disability, but expressed concerns regarding any potential economic imposition it may have on the State.

Committee Discussion

Your Committee agrees and supports the intent of the resolution. This is a starting point and many of the details of what is needed to assist people with disabilities in the FSM will need to be fleshed out in legislation. The Committee recognizes the special hardships facing the disabled on the outer islands, and hopes this policy will help in that regard. There is concern that no funding has been sought in connection with C.R. No. 16-09, and your Committee wishes to emphasize that support of the Resolution is not a guarantee to support any additional funding requests that may be submitted later in regards to implementing the Policy.

Your Committee wishes to thank the contributors of the National Policy on Disability for their hard work and collaboration in creating the Policy and working diligently to serve the needs of the disabled in the FSM.

Committee Recommendation

Your Committee on Health and Social Affairs is in accord with the intent and purpose of C.R. No. 16-09 and recommends its passage on First Reading in the form attached hereto as C.R. No. 16-09.

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Respectfully submitted,

/s/

Setiro Paul, chairman

/s/

Fredrico O. Primo, vice chairman

/s/

Isaac V. Figir, member

/s/

Joe N. Suka, member

/s/

Tony H. Otto, member

Dion G. Neth, member

/s/

Claude H. Phillip, member