

intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 30

Whereas the Act entitled "An Act to establish a Bureau of Labor", approved on June 27, 1884 (23 Stat. 60), established a bureau to "collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity";

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unflinchingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

HONORING THE SUPREME COURT'S OLMSTEAD DECISION

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 201, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 201) recognizing and honoring the tenth anniversary of the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, this week marks the 10th anniversary of the landmark decision of the U.S. Supreme Court in *Olmstead v. L.C.*

In the *Olmstead* case, two Georgia women brought suit on the grounds that their needless confinement in a mental institution violated the Americans with Disabilities Act—ADA. Even though their treatment professionals concluded that the two could receive the services they required in a community-based setting, the women remained institutionalized.

The plaintiffs' argument—that their institutionalization violated the ADA—was consistent with our findings in the ADA. There we said:

Historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.

We also said:

Discrimination against individuals with disabilities persists in such critical areas as . . . institutionalization.

This is precisely what had happened to the two women in the *Olmstead* case, Lois Curtis and Elaine Wilson. Lois had been confined in an institution since the age of 14. Elaine had been living in a locked ward in a psychiatric hospital for more than a year.

Elaine told the district court judge in the case that, confined to the institution, she felt like she was sitting in a little box with no way out. Day after day, she endured the same routine, the same four walls. This is exactly the kind of exclusion and isolation that the ADA was designed to end. So Elaine and Lois brought suit under the ADA.

The Supreme Court agreed with them. The Court ruled that needless segregation is discrimination on two grounds. First, the Court said that needless segregation perpetuates the unwarranted assumption that individuals who are so isolated are incapable or unworthy of participating in community life. And, second, the Court said that confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational achievement, and cultural enrichment.

The Supreme Court said that, under title II of the ADA, States are required to provide community-based services and supports for individuals with disabilities who want to receive their necessary services and supports in non-institutional settings, where such placement is appropriate, and where such community-based placement can be reasonably accommodated.

I mentioned that Lois Curtis and Elaine Wilson were institutionalized

for long durations. How did they fare afterwards?

At a hearing in the case, they both spoke of the little things that had changed. They could make new friends and attend family celebrations. They could make Kool-Aid whenever they pleased. They could go outside and take walks.

We all take these kinds of things for granted. But these kinds of ordinary activities are not ordinary if you are in an institution and someone else dictates every aspect of your life.

Since the *Olmstead* decision 10 years ago this week, we have made progress in giving individuals with disabilities the choice to receive their necessary services and supports in home- and community-based settings, rather than only in an institution.

Many of the provisions in my Money Follows the Person legislation were included in the Deficit Reduction Act of 2005. The goal of Money Follows the Person is that Medicaid money would follow the person with a disability from an institution into the community.

In 2007, the Centers for Medicare & Medicaid Services awarded more than \$1.4 billion in Money Follows the Person grants to States, making it possible to transition 37,731 individuals out of institutional settings over the 5-year demonstration period. Thirty States and the District of Columbia were awarded grants to reduce their reliance on institutional care, while developing community-based long-term care opportunities—thus enabling people with disabilities to fully participate in their communities.

But our work is not nearly done. Despite our efforts, the institutional bias remains for low-income individuals with significant disabilities. States still spend about 60 percent of their Medicaid long-term care dollars on institutional services, with only about 40 percent going to home- and community-based services.

Although almost every State has chosen to provide some services under home- and community-based Medicaid waivers, to get these services individuals with disabilities must navigate a maze of programs where there are caps for costs, caps for the number of people served, and limits on the specific disabilities that are covered. In many States, there are also significant waiting lists for these basic services.

Some States have adopted the optional Medicaid benefit of providing personal care services under their Medicaid Program. But this is only 30 States, not everywhere. Services provided in an institutional setting still represent the only guaranteed benefit.

So while more than 2.7 million people in this country are already receiving home- and community-based services at a cost of more than \$30 billion each year, there are an estimated 600,000 individuals with significant disabilities on Medicaid who do not have the same choices that were promised by the

Olmstead decision. Their only choice is to live in an institution or to try to get by with the help of family and friends, often at the expense of their health.

To fulfill the promise of Olmstead, Congress must pass the Community Choice Act. This legislation, which I have introduced and continue to champion, would require Medicaid to provide individuals with significant disabilities the choice of receiving community-based services and supports, rather than receiving care in an institution. These services and supports can include assistance with activities of daily living, such as eating, toileting, grooming, dressing, and bathing, as well as other health-related tasks.

We know that, over the long term, providing home- and community-based services is likely to be less expensive than providing those same services in institutions, especially in the case of adults with physical disabilities.

In 2007, 69 percent of Medicaid long-term care spending for older people and adults with physical disabilities went for institutional services. Only six States spent 50 percent or more of their Medicaid long-term care dollars on home- and community-based services for older people and adults with physical disabilities, while half of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars could support nearly three older people and adults with physical disabilities in home- and community-based services for every person in a nursing home.

The majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings. Olmstead says they should have that choice.

I think of my nephew Kelly, who became a paraplegic after an accident while serving in U.S. Navy. The Veterans' Administration pays for his personal care services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society.

The costs of the Community Choice Act would be mostly offset by the benefits of having people with disabilities who are employed, paying taxes, and contributing to the economy.

With appropriate community services and supports, we can fulfill the promise of the Olmstead decision, and we can make good on the great goals of the ADA—equal opportunity, full participation, independent living, and economic self-sufficiency for all people with disabilities.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the "ADA"), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in *Olmstead v. L.C.* that "institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life" and that "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.";

Whereas June 22, 2009, marks the tenth anniversary of the *Olmstead v. L.C.* decision;

Whereas, as a result of the Supreme Court decision in *Olmstead v. L.C.*, many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in *Olmstead v. L.C.*;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Alaska (Ms. MUR-

KOWSKI), from the Committee on Appropriations, and the Senator from Arizona (Mr. McCAIN), designated by the Chairman of the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senators from Texas (Mrs. HUTCHISON), from the Committee on Appropriations, and the Senator from North Carolina (Mr. BURR), At Large, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Utah (Mr. BENNETT), from the Committee on Appropriations, and the Senator from Oklahoma (Mr. INHOFE), At Large.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation and the Senator from Louisiana (Mr. VITTER), At Large.

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Georgia (Mr. ISAKSON), from the Committee on Commerce, Science and Transportation, and the Senator from South Carolina (Mr. GRAHAM), At Large.

ORDERS FOR WEDNESDAY, JUNE 24, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:55 a.m., Wednesday, June 24; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the impeachment proceeding under the previous order; that upon the conclusion of the impeachment proceedings, the Senate proceed to executive session, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees, and that at 11 a.m. the Senate proceed to vote on the motion to invoke cloture on the nomination of Harold Koh to be Legal Adviser of the Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.