

(A) in subparagraph (A), by inserting “a” after “submitting”; and

(B) in subparagraph (C), by striking “pursing” and inserting “pursuing”;

(8) in section 825(a) (20 U.S.C. 11611-4(a)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(9) in section 826(3) (20 U.S.C. 11611-5(3)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking “of for” and inserting “of”;

(11) in section 833(e)(1) (20 U.S.C. 1161n-2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking “because of” and inserting “based on”; and

(B) in subparagraph (D), by striking “purposes of this section” and inserting “purpose of this part”;

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking “486A(d)” and inserting “486A(b)(1)”;

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting “to be appropriated” after “authorized”; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”.

#### SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

“(h) ALLOCATION OF FUNDS.—

“(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

“(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.”.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting “this section” after “to carry out”.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking “and subsections (b) and (c) of section 209.” and inserting “and subsections (a), (b), and (c) of section 209.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 10 a.m., to hold a hearing entitled “Confronting Drug Trafficking in West Africa.”

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 23, 2009 at 10 a.m. in room 325 of the Russell Senate Office Building.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2009, at 2:30 p.m.

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

##### SUBCOMMITTEE ON AIRLAND

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 11 a.m.

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

##### SUBCOMMITTEE ON PERSONNEL

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 9:30 a.m.

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

##### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 3:30 p.m.

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

##### SUBCOMMITTEE ON SEAPOWER

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 5:30 p.m.

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

##### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2 p.m.

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

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Sub-

committee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

#### RECEIVING ARTICLES OF IMPEACHMENT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeable to the notice communicated to the Senate, and at the hour of 10 a.m., Wednesday, June 24, 2009, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the said articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

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

#### PRIVILEGES OF THE FLOOR

Mr. BEGICH. Mr. President, I ask unanimous consent that the following counsel and staff of the House of Representatives be permitted the privileges of the floor during Wednesday's proceedings with respect to the trial of the impeachment of Judge Kent: Alan Baron, Phillip Tahtakran, Branden Ritchie, Mark Dubester, Harry Hamelin, Ryan Clough, Elisabeth Stein, Michael Lenn.

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

#### COMMENDING BUREAU OF LABOR STATISTICS ON 125TH ANNIVERSARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 30 submitted earlier today.

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

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 30) commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

There being no objection, the Senate will proceed to the concurrent resolution.

Mr. BEGICH. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no

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](http://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