

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.

PROGRAM

Mr. BEGICH. Mr. President, under a previous order, tomorrow at approximately 10 a.m. the Senate will proceed to impeachment proceedings and will conduct a live quorum call. Senators are encouraged to be in the Chamber and seated at their desks at 10 a.m. When a quorum is ascertained, the Senate will receive the House managers, who will deliver the articles of impeachment, and the Senators will be sworn in as a body in order to proceed with the impeachment of Samuel B. Kent, a Judge of the U.S. District Court for the Southern District of Texas. The Senate will then consider two resolutions by consent.

At 11 a.m., the Senate will proceed to the cloture vote on the Koh nomination.

ADJOURNMENT UNTIL 9:55 A.M.  
TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

Thereupon, the Senate, at 7:11 p.m., adjourned until Wednesday, June 24, 2009, at 9:55 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF VETERANS AFFAIRS

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS), VICE CHRISTINE O. HILL, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTION 5148:

*To be vice admiral*

REAR ADM. JAMES W. HOUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

*To be rear admiral*

CAPT. NANETTE M. DERENZI