

111TH CONGRESS
1ST SESSION

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).

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2009

Mr. HARKIN (for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to

RESOLUTION

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

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 individ-

uals 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

1 *Resolved*, That the Senate—

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

4 (2) salutes all people whose efforts have con-
5 tributed to the expansion of home and community-
6 based long-term services and supports for individuals
7 with disabilities; and

8 (3) encourages all people of the United States
9 to recognize the importance of ensuring that home
10 and community-based services are equally available
11 to all qualified individuals with significant disabili-
12 ties who choose to remain in their home and com-
13 munity.

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