

119TH CONGRESS
2D SESSION

S. RES. _____

Recognizing the importance of independent living and economic self-sufficiency for individuals with disabilities made possible by the Americans with Disabilities Act of 1990 and calling to protect the right of individuals with disabilities to live in their own homes and communities.

IN THE SENATE OF THE UNITED STATES

_____ submitted the following resolution; which was referred
to the Committee on _____

RESOLUTION

Recognizing the importance of independent living and economic self-sufficiency for individuals with disabilities made possible by the Americans with Disabilities Act of 1990 and calling to protect the right of individuals with disabilities to live in their own homes and communities.

Whereas, in enacting the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the “Americans with Disabilities Act”), Congress recognized that “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”;

Whereas the Americans with Disabilities Act recognizes the rights of individuals with disabilities to fully participate in their communities through independent living, equality of opportunity, and economic self-sufficiency;

Whereas, on June 22, 1999, the Supreme Court of the United States in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (referred to in this preamble as “the Olmstead decision”) held that, under the Americans with Disabilities Act, 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 of the United States further recognized that “confinement in an institution severely diminishes the everyday life activities of individuals, including activities involving family relations and social contacts, work options, economic independence, educational advancement, and cultural enrichment”;

Whereas, as a result of the integration mandate, many individuals with disabilities have been able to live in their own homes, and become productive members of the community, particularly through access to home and community-based services through the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (referred to in this preamble as “the Medicaid program”);

Whereas 36 years after the date of enactment of the Americans with Disabilities Act, and 27 years after the *Olmstead* decision, the Department of Justice issued a deeply flawed and harmful opinion that rejects the integration mandate and threatens the hard-won progress toward full integration of individuals with disabilities into society;

Whereas, prior to the Department of Justice opinion described in the preceding whereas clause, the Olmstead decision and the integration mandate of the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) have been repeatedly affirmed by courts across the United States, by Congress, and in Federal regulations, prohibiting States from forcing individuals with disabilities into segregated settings, such as psychiatric hospitals, nursing homes, segregated schools, and sheltered workshops, when those individuals could be served in their homes and communities;

Whereas the Department of Justice admits its interpretation of the Olmstead decision is “out of step with common understanding of that decision within Federal courts”, yet encourages non-compliance with the integration mandate;

Whereas 36 years after the date of the enactment of the Americans with Disabilities Act—

(1) more than 8,400,000 individuals receive home and community-based services through the Medicaid program;

(2) individuals with disabilities are participating in the labor force at a rate of over 41 percent;

(3) on average, it is 3 times less expensive to serve someone through home and community-based services relative to an institution; and

(4) individuals returning to the community from institutions report improved life satisfaction, reduced unmet needs, and enhanced feelings of dignity;

Whereas the continuation of segregated institutional settings has hindered the inclusion of individuals with disabilities in communities, schools, and workplaces, undermining the promise of the Americans with Disabilities Act;

Whereas individuals of color with disabilities experience disproportionately greater barriers to high-quality and accessible health care, education, housing, and competitive integrated employment opportunities, infringing on the right of individuals to fully participate in their communities under the Americans with Disabilities Act;

Whereas the Americans with Disabilities Act represents the floor, not the ceiling, of efforts needed to dismantle barriers to full participation, equal opportunity, independent living, and economic self-sufficiency for individuals with disabilities; and

Whereas fulfilling the promise of the Americans with Disabilities Act requires individuals, families, communities, and government to work together to guarantee that individuals with disabilities have the opportunity to thrive in their communities throughout their lives: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes the importance of independent
3 living, equal opportunity, full participation, and economic self-sufficiency for individuals with disabilities
4 made possible by the enactment of the Americans
5 with Disabilities Act of 1990 (42 U.S.C. 12101 et
6 seq.) (referred to in this resolution as the “Americans with Disabilities Act”);

9 (2) encourages the people of the United States
10 to celebrate the advancement of inclusion and equality of opportunity made possible by the enactment of
11 the Americans with Disabilities Act;
12

1 (3) pledges to continue to work on a bipartisan
2 basis to identify and address the remaining barriers
3 that undermine the national goals of equality of op-
4 portunity, independent living, economic self-suffi-
5 ciency, and full participation for individuals with dis-
6 abilities, including by focusing on individuals with
7 disabilities who remain segregated in institutions;

8 (4) pledges to work with States to improve
9 funding for and access to home and community-
10 based services for individuals with disabilities, with
11 a focus on reducing and eliminating institutionaliza-
12 tion;

13 (5) admonishes against recent cuts, and any fu-
14 ture cuts, to the Medicaid program under title XIX
15 of the Social Security Act (42 U.S.C. 1396 et seq.)
16 (referred to in this resolution as “the Medicaid pro-
17 gram”), including the establishment of burdensome
18 work-reporting requirements and other barriers,
19 which puts the health of individuals with disabilities
20 at risk and hinders the progress made since the en-
21 actment of the Americans with Disabilities Act;

22 (6) calls on Congress to work in a bipartisan
23 manner to reverse the biggest cut to the Medicaid
24 program in history and increase funding for home-
25 and community-based services;

1 (7) calls on the Department of Justice to imme-
2 diately rescind its incorrect and arbitrary interpreta-
3 tion of the decision of the Supreme Court of the
4 United States in *Olmstead v. L.C.*, 527 U.S. 581
5 (1999) that was issued on June 18, 2026, relating
6 to the integration mandate of title II of the Ameri-
7 cans with Disabilities Act (42 U.S.C. 12131 et seq.)
8 and section 504 of the Rehabilitation Act of 1973
9 (29 U.S.C. 794);

10 (8) calls on Federal agencies to develop policies
11 that advance the goals of the Americans with Dis-
12 abilities Act, including by—

13 (A) condemning any executive or legislative
14 action that would dismantle or relocate major
15 offices within the Department of Education, in-
16 cluding the Office of Special Education and Re-
17 habilitative Services and Office for Civil Rights;
18 and

19 (B) calling on the Department of Labor to
20 develop policies and practices, and to provide
21 technical assistance, to increase the number and
22 quality of competitive integrated employment
23 opportunities for individuals with disabilities
24 that enable such individuals to become economi-
25 cally self-sufficient;

1 (9) calls on the Department of Health and
2 Human Services to fully staff and support the Ad-
3 ministration for Community Living and to champion
4 independent living by providing information, re-
5 sources, technical assistance related to home and
6 community-based services, and supporting family
7 caregivers;

8 (10) calls on the Department of Housing and
9 Urban Development to provide accessible and inclu-
10 sive homes and communities that increase the op-
11 tions available for accessible, inclusive, and equitable
12 housing for individuals with disabilities;

13 (11) calls on the Department of Transportation
14 to create accessible transit and airports and increase
15 the hiring, promotion, and retention of individuals
16 with disabilities in the transportation workforce;

17 (12) calls on the Federal Communications Com-
18 mission to provide information, resources, and tech-
19 nical assistance to enable individuals with disabilities
20 to have full and equitable access to communications
21 and telecommunications services and technologies;
22 and

23 (13) calls on the Federal Emergency Manage-
24 ment Agency to continue to implement a whole com-

- 1 munity approach and to increase inclusivity and ac-
- 2 cessibility in emergency preparedness.