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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. RES. _____

Recognizing and honoring the 27th anniversary of the Supreme Court decision
in *Olmstead v. L.C.*

IN THE HOUSE OF REPRESENTATIVES

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

RESOLUTION

Recognizing and honoring the 27th anniversary of the
Supreme Court decision in *Olmstead v. L.C.*

Whereas there are over 70,000,000 adults with disabilities
living in the United States;

Whereas section 504 of the Rehabilitation Act of 1973 (29
U.S.C. 794) (referred to in this resolution as “section
504”) prohibits discrimination on the basis of disability
in all federally assisted programs or activities and laid
the foundation for the passage of the Americans with
Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (re-
ferred to in this resolution as “the ADA”);

Whereas in 1977, the former Department of Health, Edu-
cation, and Welfare issued implementing regulations for

section 504 requiring recipients of Federal funds to provide services and programs in a manner that affords people with disabilities an “equal opportunity to obtain the same results, to gain the same benefit, or to reach the same achievement, in the most integrated setting appropriate to the person’s” needs (sections 84.4(b)(1)(iii) and 84.4(b)(2) of title 45, Code of Federal Regulations, as in effect on the date of issuance);

Whereas in 1978, the Department of Health, Education, and Welfare issued a similar rule requiring recipients of funds from the Department to “administer programs and activities in the most integrated setting appropriate to the needs of qualified” persons with disabilities (43 Fed. Reg. 2132);

Whereas, in 1978, Congress amended section 504 to strengthen and clarify its nondiscrimination requirements, thereby ratifying the 1977 and 1978 regulations and incorporating the regulations into the Rehabilitation Act of 1973, including the “integration mandate” to provide services to people with disabilities in the most integrated setting appropriate;

Whereas in the ADA, Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas through passage of the ADA, Congress intended that forms of discrimination prohibited under section 504 and its implementing regulations, including unnecessary segregation, be prohibited under the ADA as well;

Whereas on June 22, 1999, the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (referred to in this resolution as “the Olmstead decision”), held that under the

ADA, States must offer qualified individuals with disabilities the choice to receive their services and support in a community-based setting;

Whereas the Supreme Court recognized in the Olmstead decision 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”;

Whereas the Supreme Court 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 the Olmstead decision and the integration mandate of the ADA and section 504 have repeatedly been affirmed by courts across the United States, by Congress, and in Federal regulations and guidance, prohibiting States from forcing people with disabilities into segregated settings, such as psychiatric hospitals, nursing homes, and segregated schools, when those people could be served in their homes and communities;

Whereas as a result of the integration mandate, many individuals with disabilities have been able to live in their own homes and community-based settings, rather than institutional settings, and to 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 resolution as “the Medicaid program”);

Whereas despite 5 decades of legal requirements, many individuals with disabilities continue to live in segregated institutional settings, where they face abuse and neglect and limitations on their individual freedoms;

Whereas community integration provides individuals with disabilities greater opportunities to pursue education and training, develop skills, obtain and retain employment, earn competitive wages, and achieve economic independence and self-sufficiency;

Whereas individuals with disabilities who live and work in integrated settings are better able to contribute as workers, entrepreneurs, consumers, taxpayers, and members of their communities, strengthening the Nation's workforce and expanding the talent available to American employers;

Whereas home- and community-based services and supports enable individuals with disabilities to live independently, participate in the workforce, and contribute to the economy while promoting more effective and responsible use of public resources;

Whereas unnecessary segregation of individuals with disabilities limits their opportunities to develop skills, participate in the workforce, earn income, achieve economic independence, and contribute their talents to the Nation's economy;

- 1 *Resolved*, That the House of Representatives—
- 2 (1) recognizes and honors the 27th anniversary
- 3 of the Supreme Court decision in *Olmstead v. L.C.*,
- 4 527 U.S. 581 (1999);

1 (2) salutes all people whose efforts have con-
2 tributed to the expansion of home- and community-
3 based services and supports for individuals with dis-
4 abilities;

5 (3) affirms the Olmstead decision's vital impor-
6 tance to ending the unjustified institutionalization
7 and segregation of individuals with disabilities;

8 (4) affirms its intent that the Rehabilitation
9 Act of 1973 and the Americans with Disabilities
10 mandate the provision of federally-funded services in
11 the most integrated setting appropriate to the needs
12 of qualified individuals with disabilities; and

13 (5) calls on Federal, State, and local govern-
14 ments to advance policies that enable individuals
15 with disabilities to live and work in integrated com-
16 munity settings and to achieve greater independence
17 and economic self-sufficiency, including by expand-
18 ing access to competitive integrated employment,
19 education and skills development, home- and com-
20 munity-based services, and other supports that en-
21 able individuals with disabilities to contribute their
22 talents and skills to the Nation's workforce and
23 economy.