

Talking Points for Provider Agencies

For meetings with U.S. Senators, Representatives, and their staff on protecting the right to community-based services.

Use these talking points when meeting with your U.S. Senators, Representatives, or their staff. Fill in the bracketed sections with your agency's local data and a constituent story before the meeting — **local detail is what makes the case land.**

THE ASK

Urge Congress to enact legislation codifying a clear, enforceable statutory right to receive long-term services and supports in the most integrated setting appropriate to a person's needs — including each individual's right to choose among well-supported settings — so this principle no longer depends on a regulation that any administration can reinterpret or repeal.

01 What the DOJ Opinion Says

- In June 2026, the U.S. Department of Justice's Office of Legal Counsel — the office that issues the executive branch's official legal interpretations, including the administration's executive orders — released an opinion on the "integration mandate," the longstanding principle that people with disabilities should receive services in the most integrated setting appropriate to their needs.
- It reaches three conclusions: (1) that the Supreme Court's 1999 *Olmstead* decision did not actually require states to serve people in the most integrated setting; (2) that the Americans with Disabilities Act and the Rehabilitation Act do not require it by their text; and (3) that the federal regulations that have required it for decades go beyond what the law allows.
- An opinion like this does not change the law by itself. But it is the legal groundwork for the federal government to stop enforcing the integration requirement, to roll back the regulations, and to decline to defend them in a pending lawsuit — *Texas v. Kennedy* — in which several states are asking a court to strike them down.

02 Where the Concern Comes From

- For more than 25 years, the integration requirement — and the prospect of federal enforcement — has been the pressure that pushed states to build and fund community-based services instead of relying on costly institutions. This opinion signals an intent to remove that pressure — and, if it is followed by changes to the regulations or by a favorable court ruling, it could do exactly that.
- It treats community integration as a matter of administrative preference rather than a settled civil right. What one administration can repeal, the next can restore, and repeal again. Families cannot build stable lives, and providers cannot sustain programs, on a foundation that shifts every few years.
- At a time when Medicaid and community-based services are already facing significant pressure, removing the legal expectation to serve people in the community, at the very moment funding is strained, gives states cover to scale back the services people depend on.
- Because the opinion's own argument is that Congress never clearly guaranteed this right in law, the clearest answer is for Congress to do so. This is not a request for a new program or new spending — it is a request to protect, in statute, what has worked for generations.

THE BOTTOM LINE

The opinion does not erase anyone's rights overnight, but it could weaken the federal protection for community living and leaves the durability of that right to whoever controls the executive branch.

03 Key Messages

- **Community living works — and it is what people and families want.** Since the closing of institutions like Willowbrook, our state has built a system that helps people with disabilities live in their own homes, hold jobs, and take part in their communities. [\[Our agency supports \[#\] people across \[#\] counties to do exactly that.\]](#)
- **The right should belong to the person — and include real choice.** Codification should guarantee community-based services as the default while protecting each individual's right to choose among well-supported options. Integration is the floor; the choice belongs to the person and their family.
- **Certainty matters.** Agencies cannot plan, invest, recruit, or build capacity when the legal foundation of community services can be reinterpreted every few years. A clear statute gives families peace of mind and gives providers the stability to serve.
- **Living in the community is the better and less costly approach.** Community-based care consistently costs less than institutional care. Rolling it back shifts costs onto emergency rooms, hospitals, jails, and homelessness systems. Protecting community services is the fiscally responsible choice.

04 The Bipartisan Case

- The Americans with Disabilities Act was signed into law by President George H.W. Bush in 1990 with overwhelming bipartisan support. Protecting its promise is not a partisan issue.
- Helping families keep their loved ones at home and in their communities — rather than in costly institutions — has long drawn support across the aisle.
- Both parties share values that are much better reflected in community-based services: family choice, self-determination, fiscal responsibility, and the rule of law over administrative discretion.
- It also protects states from federal whiplash, giving them one clear, stable standard to build on rather than a rule that changes with each administration.

05 What We're Asking You to Do

- 1 **Publicly support — and co-sponsor —** legislation codifying the right to long-term services and supports in the most integrated setting, with individual choice among supported settings.
- 2 **Press for a bill.** If no such legislation is pending, urge your committee (Energy & Commerce, HELP, Judiciary) and leadership to introduce it.
- 3 **Defend the current protections.** Sign or lead a letter to DOJ and HHS opposing rescission of the integration regulations and urging the government to defend them in court.
- 4 **Visit our programs.** See firsthand what community-based services mean for your constituents.

06 Make It Local

Customize before your meeting

PEOPLE SERVED	<i>[# of people your agency supports; # in the member's district or state]</i>
JOBS & ECONOMY	<i>[# of employees; annual payroll; local economic impact — providers are often among the largest employers in a district]</i>
COST COMPARE	<i>[community cost per person vs. institutional cost per person, if available]</i>
A FACE	<i>[one short story — shared with permission — of a person or family whose life reflects what is at stake]</i>