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To the members of the 115th Congress,

VOR's members – families, guardians and friends of individuals with intellectual and developmental disabilities (I/DD) – welcome you to the 115th Congress and thank you for your service.

VOR is the only national advocacy organization that supports a full range of residential options, from one's own home, to small residential settings and larger facility-based care. Our view reflects a full and fair reading of the Americans with Disabilities Act ("ADA") and the Supreme Court decision interpreting the ADA, *Olmstead v. L.C.*, 527 U.S. 581 (1999), and the Developmental Disabilities Assistance and Bill of Rights Act ("DD Act"). These pillars of disability law set forth two goals: (1) to require public entities to serve individuals with I/DD in the most integrated setting appropriate to their needs, and (2) to assure each individual the right to choose where they live, recognizing the wide range of cognitive abilities of individuals with I/DD. The Court recognized this reality in *Olmstead* as follows:

"We emphasize that nothing in the ADA or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings
Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it." *Olmstead*, at 601 - 602 (emphasis added).

Despite the plain language of the ADA and *Olmstead*, the Department of Justice (DOJ) and entities funded by HHS under the DD Act continue to define "choice" through their ideological prism, pursuing policies to eliminate small and larger facility-based options authorized by federal law. These federally-funded actions not only violate the right of residential and service choice, they raise the costs of Medicaid by forcing people out of larger facilities that can lower costs through economies of scale. Tragically, they have also led to well-documented higher rates of abuse and death in the community. VOR thinks the Congress got it right – people with I/DD are best served when there is a full continuum of high quality residential and employment options that meet the range of their needs and reflect their choices.

Our legislative goals in the 115th Congress are to stop DOJ and the HHS-funded advocacy groups from misinterpreting federal law to narrow the choices of individuals with I/DD. To that end, VOR requests the following help:

Appropriations: The 114th Congress incorporated the following language as part of the Consolidated and Further Continuing Appropriations Act, 2015: "[DOJ] is strongly urged to continue to factor the needs and desires of patients, their families, caregivers, and other stakeholders, as well as the need to provide proper settings for care, into its enforcement of the Americans with Disabilities Act." Nearly identical language was included in the FY 2016 Appropriations for HHS programs, as well as a requirement to notify affected parties of any proposed class action. **VOR encourages Congress to build on this language to stop DOJ and HHS from narrowing the choices of individuals with I/DD who believe congregate residential and work facilities are essential to meet their needs.**

DD Act Reauthorization: It has been 17 years since Congress last reauthorized the DD Act. Despite its clear language endorsing individual and family choice, since 2000, DD Act programs, including Protection & Advocacy agencies and DD Councils, have filed more than 17 class action lawsuits and advocated to close specialized residential care facilities and sheltered workshops. **Reform is overdue. Please hold hearings as soon as possible so Congress can hear from all interested parties and reauthorize the DD Act with provisions that respect choice.**

Thank you for your consideration. VOR members look forward to working with you.

Sincerely,
Caroline Lahrmann, VOR President