Statement of National Disability Organizations on the Department of Justice's Proposed Resolution of *Texas v. Kennedy*

On August 31, 2026, the Department of Justice (DOJ), on behalf of the Department of Health and Human Services (HHS), along with Texas, Florida and Alaska filed a proposed resolution of *Texas v. Kennedy*. These states challenged the HHS 2024 regulations implementing Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability by recipients of federal funds. The lawsuit focuses on the regulations' provisions regarding community integration for people with disabilities. The resolution asks the court to enter an order vacating references to community integration throughout the Section 504 regulations, including the entirety of the integration provision. The resolution does not impact other portions of the 2024 HHS Section 504 Rule.

We strongly and unequivocally condemn the actions of DOJ and HHS. This resolution continues the federal government's abandonment of its duty to enforce the right of people with disabilities to live in their own homes and communities. The resolution relies on the June 18, 2026 memo from the DOJ's Office of Legal Counsel. That memo reflects the federal government's reversal of its longstanding interpretation of the law and of its own authority. The federal government's Section 504 regulations have included integration provisions since 1977.

To be clear, this resolution does not and cannot change longstanding legal precedent interpreting the requirements of Section 504 or the Americans with Disabilities Act (ADA). Nor does it change the ADA or Section 504 themselves. Only Congress can change the law.

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DOJ's new interpretation of the Supreme Court's decision in *Olmstead v. L.C.*, the ADA, and Section 504 is simply wrong and inconsistent with 50 years of law. DOJ itself admits that its interpretation is "out of step" with the interpretation of the law by courts across the country.

The disability community opposes any effort to turn back the clock on disability rights and community integration or to strip disabled people of their dignity and autonomy. We join together against discrimination and segregation of people with disabilities.

This statement was created by The Arc of the United States, Bazelon Center for Mental Health Law, Center for Public Representation, Disability Rights Education & Defense Fund, Justice in Aging, the National Health Law Program, and American Civil Liberties Union, with contributions by Alison Barkoff, Hirsh Health Law and Policy Associate Professor, George Washington University.