

106TH CONGRESS
1ST SESSION

S. 33

To amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. THURMOND (for himself and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXCLUSION OF PRISONERS.**

4 (a) AMERICANS WITH DISABILITIES ACT OF 1990.—
5 Section 201(2) of the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12131(2)) is amended by adding at the
7 end the following: “The term shall not include a prisoner
8 in a prison, as such terms are defined in section 3626(g)

1 of title 18, United States Code, with respect to services,
 2 programs, activities, and treatment (including accom-
 3 modations) relating to the prison.”.

4 (b) REHABILITATION ACT OF 1973.—Paragraph (20)
 5 of section 7 of the Rehabilitation Act of 1973 (as redesign-
 6 nated in section 402(a)(1) of the Departments of Labor,
 7 Health and Human Services, and Education, and Related
 8 Agencies Appropriations Act, 1999) is amended—

9 (1) by redesignating subparagraph (G) as sub-
 10 paragraph (H); and

11 (2) by inserting after subparagraph (F) the fol-
 12 lowing:

13 “(G) PRISON PROGRAMS AND ACTIVITIES;
 14 EXCLUSION OF PRISONERS.—For purposes of
 15 section 504, the term ‘individual with a disabili-
 16 ty’ shall not include a prisoner in a prison, as
 17 such terms are defined in section 3626(g) of
 18 title 18, United States Code, with respect to
 19 programs and activities (including accommoda-
 20 tions) relating to the prison.”.

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