

112TH CONGRESS
2D SESSION

H. R. 4200

To amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2012

Mr. SCHWEIKERT (for himself, Mr. MULVANEY, Mr. GOSAR, Mr. FRANKS of Arizona, and Mr. QUAYLE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

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. REGULATIONS REGARDING POOLS PROVIDED**
4 **BY PUBLIC ENTITIES.**

5 Section 204 of the Americans with Disabilities Act
6 of 1990 (42 U.S.C. 12134) is amended by adding at the
7 end the following:

1 “(d) REGULATIONS REGARDING POOLS PROVIDED
2 BY PUBLIC ENTITIES.—

3 “(1) DEFINITIONS.—

4 “(A) COVERED REGULATION.—The term
5 ‘covered regulation’ means the portions of part
6 35 of title 28, Code of Federal Regulations,
7 that were added under the final rule issued by
8 the Attorney General entitled ‘Nondiscrimina-
9 tion on the Basis of Disability in State and
10 Local Government Services’, 75 Fed. Reg.
11 56164 (September 15, 2010).

12 “(B) POOL.—The term ‘pool’ means a
13 swimming pool, wading pool, sauna, steam
14 room, spa, wave pool, lazy river, sand bottom
15 pool, or other water amusement, within the
16 meaning of part 36 of title 28, Code of Federal
17 Regulations.

18 “(2) PROHIBITION.—Neither the Attorney Gen-
19 eral nor any official of the Federal Government shall
20 have authority, under this subtitle or any other pro-
21 vision of Federal law, to administer or enforce a cov-
22 ered regulation, with respect to a pool provided by
23 a public entity and covered by this subtitle.”.

1 **SEC. 2. REGULATIONS REGARDING POOLS AT PUBLIC AC-**
2 **COMMODATIONS.**

3 Section 306 of the Americans with Disabilities Act
4 of 1990 (42 U.S.C. 12186) is amended by adding at the
5 end the following:

6 “(e) REGULATIONS REGARDING POOLS AT PUBLIC
7 ACCOMMODATIONS.—

8 “(1) DEFINITIONS.—

9 “(A) COVERED REGULATION.—The term
10 ‘covered regulation’ means the portions of part
11 36 of title 28, Code of Federal Regulations,
12 that were added under the final rule issued by
13 the Attorney General entitled ‘Nondiscrimina-
14 tion on the Basis of Disability by Public Ac-
15 commodations and in Commercial Facilities’, 75
16 Fed. Reg. 56236 (September 15, 2010).

17 “(B) POOL.—The term ‘pool’ means a
18 swimming pool, wading pool, sauna, steam
19 room, spa, wave pool, lazy river, sand bottom
20 pool, or other water amusement, within the
21 meaning of part 36 of title 28, Code of Federal
22 Regulations.

23 “(2) PROHIBITION.—Neither the Attorney Gen-
24 eral nor any official of the Federal Government shall
25 have authority, under this title or any other provi-
26 sion of Federal law, to administer or enforce a cov-

1 ered regulation, with respect to a pool at a public ac-
2 commodation.”.

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