

112TH CONGRESS
2D SESSION

H. R. 4256

To direct the Attorney General to revise certain rules under titles II and III of the Americans with Disabilities Act of 1990 relating to accessible means of entry to pools.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2012

Mr. MULVANEY (for himself, Mr. SCHWEIKERT, Mr. JONES, Mr. QUAYLE, Mrs. MYRICK, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. PENCE, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. ROSS of Arkansas, Mr. BURTON of Indiana, Mr. GOWDY, Mr. WILSON of South Carolina, Mr. CAMPBELL, Mr. LATTA, Mr. AMODEI, Mr. BERG, Mr. RIBBLE, Mr. KELLY, Mr. HARRIS, Mr. LONG, Mr. CARTER, Mr. PAUL, Mr. POSEY, Mr. FLAKE, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to revise certain rules under titles II and III of the Americans with Disabilities Act of 1990 relating to accessible means of entry to pools.

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. SHORT TITLE.**

4 This Act may be cited as the “Pool Safety and Acces-
5 sibility for Everyone (Pool SAFE) Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) One of the purposes of the Americans with
4 Disabilities Act of 1990 is to “provide a clear and
5 comprehensive national mandate for the elimination
6 of discrimination against individuals with disabili-
7 ties.”

8 (2) The Nation’s proper goals regarding indi-
9 viduals with disabilities are to ensure equality of op-
10 portunity and full participation for such individuals.

11 (3) The Department of Justice’s revised regula-
12 tions for titles II and III of the Americans with Dis-
13 abilities Act of 1990 recognize that places of public
14 accommodation should provide access to their amen-
15 ities to individuals with disabilities.

16 (4) It is important for places of public accom-
17 modation to provide access to their amenities, in-
18 cluding pools, to individuals with disabilities.

19 (5) Places of public accommodation should pro-
20 vide access to their amenities, including pools, in a
21 reasonable, efficient, and expedient manner that ac-
22 counts for the interests of individuals with disabili-
23 ties and also considers other legitimate concerns,
24 such as safety and feasibility.

25 (6) As they relate to the accessibility of pools
26 at places of public accommodation, the current re-

1 vised regulations for titles II and III of the Ameri-
2 cans with Disabilities Act of 1990 do not reasonably
3 or adequately balance the access needs of individuals
4 with disabilities with other legitimate, and some-
5 times competing, safety and feasibility concerns.

6 **SEC. 3. REVISION OF RULES.**

7 (a) **EXTENSION OF COMPLIANCE DEADLINE.**—

8 (1) **IN GENERAL.**—No suit may be brought for
9 a violation of the revised regulations for titles II and
10 III of the Americans with Disabilities Act of 1990
11 regarding the requirements for places of public ac-
12 commodation and commercial facilities to provide an
13 accessible means of entry to pools (28 CFR 36.101
14 et seq.) that occurred on or after March 15, 2012,
15 and before the date that is one year after the date
16 of enactment of this Act, nor may the Attorney Gen-
17 eral investigate, or initiate a compliance review of
18 such an alleged violation.

19 (2) **PENDING PROCEEDINGS DISMISSED.**—Be-
20 ginning on the date of enactment of this Act, any
21 suit against a place of public accommodation or
22 commercial facility for a violation described in para-
23 graph (1) brought on or after March 15, 2012, and
24 before the date of enactment of this Act shall be dis-
25 missed.

1 (b) REVISION OF RULES.—Not later than 60 days
2 after the date of enactment of this Act, the Attorney Gen-
3 eral shall revise section 36.304 of title 28, Code of Federal
4 Regulations, and any other appropriate rules in part 36
5 of such title to provide that—

6 (1) a place of public accommodation or a com-
7 mercial facility that has a pool and uses a portable
8 pool lift on request shall be in compliance with the
9 requirement under such rules to provide an acces-
10 sible means of entry to such pool, even if installation
11 of a permanent lift is readily achievable; and

12 (2) a place of public accommodation or a com-
13 mercial facility that has more than one pool and
14 uses one portable pool lift on request for all such
15 pools shall be in compliance with the requirement
16 under such rules to provide an accessible means of
17 entry to each such pool.

18 (c) POOL DEFINED.—The term “pool” means a
19 swimming pool, wading pool, sauna, steam room, spa,
20 wave pool, lazy river, sand bottom pool, other water
21 amusement, or any other man-made body of water to
22 which part 36 of title 28, Code of Federal Regulations,
23 requires places of public accommodation and commercial
24 facilities to provide an accessible means of entry.

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