

Calendar No. 335

112TH CONGRESS
2^D SESSION

S. 2186

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 SENATE OF THE UNITED STATES

MARCH 12, 2012

Mr. DEMINT (for himself and Mr. GRAHAM) introduced the following bill;
which was read the first time

MARCH 13, 2012

Read the second time and placed on the calendar

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,*

1 **SECTION 1. REGULATIONS REGARDING POOLS PROVIDED**
 2 **BY PUBLIC ENTITIES.**

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

6 “(d) REGULATIONS REGARDING POOLS PROVIDED
 7 BY PUBLIC ENTITIES.—

8 “(1) DEFINITIONS.—

9 “(A) COVERED REGULATION.—The term
 10 ‘covered regulation’ means the portions of part
 11 35 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 in State and
 15 Local Government Services’, 75 Fed. Reg.
 16 56164 (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 subtitle or any other pro-
 26 vision of Federal law, to administer or enforce a cov-

1 ered regulation, with respect to a pool provided by
2 a public entity and covered by this subtitle.”.

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

5 Section 306 of the Americans with Disabilities Act
6 of 1998 (42 U.S.C. 12186) is amended by adding at the
7 end the following:

8 “(e) REGULATIONS REGARDING POOLS AT PUBLIC
9 ACCOMMODATIONS.—

10 “(1) DEFINITIONS.—

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

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

1 “(2) PROHIBITION.—Neither the Attorney Gen-
2 eral nor any official of the Federal Government shall
3 have authority, under this title or any other provi-
4 sion of Federal law, to administer or enforce a cov-
5 ered regulation, with respect to a pool at a public ac-
6 commodation.”.

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