

Calendar No. 336

112TH CONGRESS
2D SESSION

S. 2191

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 14, 2012

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

MARCH 15, 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 GUIDANCE.—The term
 10 ‘covered guidance’ means the guidance issued
 11 by the Attorney General entitled ‘ADA 2010
 12 Revised Requirements: Accessible Pools - Means
 13 of Entry and Exit’ (January 2012).

14 “(B) COVERED REGULATION.—The term
 15 ‘covered regulation’ means the portions of part
 16 35 of title 28, Code of Federal Regulations,
 17 that were added under the final rule issued by
 18 the Attorney General entitled ‘Nondiscrimina-
 19 tion on the Basis of Disability in State and
 20 Local Government Services’ (75 Fed. Reg.
 21 56164 (September 15, 2010)).

22 “(C) POOL.—The term ‘pool’ means a
 23 swimming pool, wading pool, sauna, steam
 24 room, spa, wave pool, lazy river, sand bottom
 25 pool, or other water amusement, within the

1 meaning of part 36 of title 28, Code of Federal
2 Regulations.

3 “(2) PROHIBITION.—Neither the Attorney Gen-
4 eral nor any other individual or entity shall have au-
5 thority, under this subtitle or any other provision of
6 Federal law, to administer or enforce a covered reg-
7 ulation (including covered guidance and other re-
8 lated guidance), with respect to a pool provided by
9 a public entity and covered by this subtitle.”.

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

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

15 “(e) REGULATIONS REGARDING POOLS AT PUBLIC
16 ACCOMMODATIONS.—

17 “(1) DEFINITIONS.—

18 “(A) COVERED GUIDANCE.—The term
19 ‘covered guidance’ means the guidance issued
20 by the Attorney General entitled ‘ADA 2010
21 Revised Requirements: Accessible Pools - Means
22 of Entry and Exit’ (January 2012).

23 “(B) COVERED REGULATION.—The term
24 ‘covered regulation’ means the portions of part
25 36 of title 28, Code of Federal Regulations,

1 that were added under the final rule issued by
2 the Attorney General entitled ‘Nondiscrimina-
3 tion on the Basis of Disability by Public Ac-
4 commodations and in Commercial Facilities’
5 (75 Fed. Reg. 56236 (September 15, 2010)).

6 “(C) POOL.—The term ‘pool’ means a
7 swimming pool, wading pool, sauna, steam
8 room, spa, wave pool, lazy river, sand bottom
9 pool, or other water amusement, within the
10 meaning of part 36 of title 28, Code of Federal
11 Regulations.

12 “(2) PROHIBITION.—Neither the Attorney Gen-
13 eral nor any other individual or entity shall have au-
14 thority, under this title or any other provision of
15 Federal law, to administer or enforce a covered reg-
16 ulation (including covered guidance and other re-
17 lated guidance), with respect to a pool at a public
18 accommodation.”.

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