

105TH CONGRESS  
2D SESSION

# S. 2266

To amend the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 to exempt State and local agencies operating prisons from the provisions relating to public services.

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## IN THE SENATE OF THE UNITED STATES

JULY 7, 1998

Mr. THURMOND (for himself and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 to exempt State and local agencies operating prisons from the provisions relating to public services.

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State and Local Prison  
3 Relief Act”.

**4 SEC. 2. EXEMPTIONS FOR STATE AND LOCAL AGENCIES OP-**  
**5 ERATING PRISONS.**

6 (a) AMERICANS WITH DISABILITIES ACT OF 1990.—  
7 Section 201(1) of the Americans with Disabilities Act of  
8 1990 (42 U.S.C. 12131(1)) is amended by adding at the

1 end the following: “The term ‘public entity’ does not in-  
2 clude any department, agency, district, or instrumentality  
3 of a State or local government that operates a prison, as  
4 defined in section 3626(g) of title 18, United States Code,  
5 with respect to the services, programs, or activities relat-  
6 ing to the prison.”.

7 (b) REHABILITATION ACT OF 1973.—Section 504(b)  
8 of the Rehabilitation Act of 1973 (29 U.S.C 794(b)) is  
9 amended by adding at the end the following:  
10 “Notwithstanding the preceding sentence, for the purposes  
11 of this section, the term ‘program or activity’ does not in-  
12 clude any operations relating to a prison, as defined in  
13 section 3626(g) of title 18, United States Code, by any  
14 entity described in any of paragraphs (1) through (4).”.

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