

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

CHAPTER 126—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

Sec.

12101. Findings and purpose.
12102. Definition of disability.
12103. Additional definitions.

SUBCHAPTER I—EMPLOYMENT

12111. Definitions.
12112. Discrimination.
12113. Defenses.
12114. Illegal use of drugs and alcohol.
12115. Posting notices.
12116. Regulations.
12117. Enforcement.

SUBCHAPTER II—PUBLIC SERVICES

PART A—PROHIBITION AGAINST DISCRIMINATION AND OTHER GENERALLY APPLICABLE PROVISIONS

12131. Definitions.
12132. Discrimination.
12133. Enforcement.
12134. Regulations.

PART B—ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION PROVIDED BY PUBLIC ENTITIES CONSIDERED DISCRIMINATORY

SUBPART I—PUBLIC TRANSPORTATION OTHER THAN BY AIRCRAFT OR CERTAIN RAIL OPERATIONS

12141. Definitions.
12142. Public entities operating fixed route systems.
12143. Paratransit as a complement to fixed route service.
12144. Public entity operating a demand responsive system.
12145. Temporary relief where lifts are unavailable.
12146. New facilities.
12147. Alterations of existing facilities.
12148. Public transportation programs and activities in existing facilities and one car per train rule.
12149. Regulations.
12150. Interim accessibility requirements.

SUBPART II—PUBLIC TRANSPORTATION BY INTERCITY AND COMMUTER RAIL

12161. Definitions.
12162. Intercity and commuter rail actions considered discriminatory.
12163. Conformance of accessibility standards.
12164. Regulations.
12165. Interim accessibility requirements.

SUBCHAPTER III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

12181. Definitions.
12182. Prohibition of discrimination by public accommodations.
12183. New construction and alterations in public accommodations and commercial facilities.
12184. Prohibition of discrimination in specified public transportation services provided by private entities.
12185. Study.

Sec.

12186. Regulations.
12187. Exemptions for private clubs and religious organizations.
12188. Enforcement.
12189. Examinations and courses.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

12201. Construction.
12202. State immunity.
12203. Prohibition against retaliation and coercion.
12204. Regulations by Architectural and Transportation Barriers Compliance Board.
12205. Attorney's fees.
12205a. Rule of construction regarding regulatory authority.
12206. Technical assistance.
12207. Federal wilderness areas.
12208. Transvestites.
12209. Instrumentalities of Congress.
12210. Illegal use of drugs.
12211. Definitions.
12212. Alternative means of dispute resolution.
12213. Severability.

§ 12101. Findings and purpose**(a) Findings**

The Congress finds that—

(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;

(5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, over-protective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(7) the Nation's proper goals regarding individuals with disabilities are to assure equality