

Federal Statutory Definitions of Disability

Prepared for
The Interagency Committee on Disability Research

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INTRODUCTION

This paper is a collection of federal statutory definitions of disability as contained in the United States Code (Code). It is an update of the February 1995 paper prepared for the National Institute on Disability and Rehabilitation Research (NIDRR), U.S. Department of Education. This paper is not meant to be an exhaustive description of programs for persons with disabilities, but rather a reference for the various definitions of disability contained in the Code.

The Code is the official compilation of the federal statutes that are currently in force. The Code is divided into 50 titles by subject matter. Each title is divided into sections. The Code is compiled by the Office of the Law Revision Counsel in the U. S. House of Representatives.

A search of the Code found 67 places where disability is defined. This includes definitions of disability, disabled person, individual with a disability, handicap, or other variations of the term disability.

This paper contains two tables. In Table 1, statutes are organized into nine headings: Civil Rights, Education, Employment, Housing, Internal Revenue Code, Social Security, Social Services, Veterans and Armed Forces, and Miscellaneous. Within these headings, definitions are arranged by Code title and section number. The left column identifies the act (e.g., Americans with Disabilities Act) or program (e.g., Ticket to Work and Self-Sufficiency Program) and specifies the title and section where the act or program is codified. Acts are referred to by the short title contained in the statute (e.g., Fair Housing Act). For ease of identification, a program is referred to by its name (e.g., Supportive Housing Program) rather than by the act that authorizes it. The right column contains the statutory definition and a citation to the Code title and section where the definition can be found.

Table 2 on page 30 is a cross-reference guide that illustrates the overlap in definitions. The first column is organized numerically by

Code title. The second column presents the definition. The third column lists the acts and programs that refer to that definition. Some acts and programs in Table 1 refer to definitions contained in other titles or sections of the Code. You can use Table 2 to find those definitions. For example, if a definition in Table 1 states: *The term "disability" has the same meaning given to such term by section 12102(2) of title 42,* go to Table 2 and find 42 U.S.C. §12102(2) for the definition.

The question of how many different definitions there are is complicated. There is overlap among definitions, and some statutes have more than one definition. For example, the ADA defines not only "disability," but also "qualified individual with a disability" for purposes of employment and public services. The ADA also specifies certain conditions that are not considered disabilities. Likewise, the Rehabilitation Act of 1973 has several definitions, including a two-part definition for "individual with a disability," one of which is the ADA definition.

Of these 67 instances, 26 refer to definitions contained in other Code sections. For example, one definition states: *"The term "disability" has the same meaning given to such term by section 12102(2) of title 42,"* referring to the definition of disability contained in the ADA. Also, six acts refer to more than one definition. For the quantitatively inclined, the best way to summarize is: of the 67 acts or programs that define disability, 35 have self-contained definitions (although some of these 35 contain more than one definition and three use ADA language), 26 use definitions from another Code section, and six use definitions from more than one Code section.

For readers interested in further research, the U.S. Code is available online at various websites. The Legal Information Institute located at <http://www4.law.cornell.edu/uscode/> contains a form that allows you to look up specific sections, and a search engine that can search the entire U.S. Code or just selected titles.

TABLE 1
FEDERAL STATUTORY DEFINITIONS OF DISABILITY

CIVIL RIGHTS	
<p>1. Fair Housing Act 42 U.S.C. §3601 et seq.</p>	<p>(h) "Handicap" means, with respect to a person - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21).</p> <p>42 U.S.C. §3602(h)</p>
<p>2. Domestic Volunteer Service Act of 1973 42 U.S.C. §4950 et seq.</p>	<p>(2) Definition As used in paragraph (1), the term "qualified individual with a disability" has the meaning given the term in section 12111(8) of this title.</p> <p>42 U.S.C. §5057(a)(2)</p>
<p>3. Developmental Disabilities Assistance and Bill of Rights Act 42 U.S.C. §6000 et seq.</p>	<p>(8) Developmental disability The term "developmental disability" means a severe, chronic disability of an individual 5 years of age or older that - (A) is attributable to a mental or physical impairment or combination of mental and physical impairments; (B) is manifested before the individual attains age 22; (C) is likely to continue indefinitely; (D) results in substantial functional limitations in three or more of the following areas of major life activity - (i) self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; and (vii) economic self-sufficiency; and (E) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.</p> <p>42 U.S.C. §6001(8)</p>

CIVIL RIGHTS

4. Americans with Disabilities Act of 1990

42 U.S.C. §12101 et seq.

- (2) The term "disability" means, with respect to an individual-
- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment.

42 U.S.C. §12102(2)

(8) Qualified individual with a disability

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this subchapter, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

42 U.S.C. §12111(8)

Title I, Employment

(2) Qualified individual with a disability

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

42 U.S.C. §12131(2)

Title II, Public Services

For the purposes of this chapter, the term "disabled" or "disability" shall not apply to an individual solely because that individual is a transvestite

42 U.S.C. §12208

(a) Homosexuality and bisexuality

For purposes of the definition of "disability" in section 12102(2) of this title, homosexuality and bisexuality are not impairments and as such are not disabilities under this chapter.

(b) Certain conditions

Under this chapter, the term "disability" shall not include -

- (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) compulsive gambling, kleptomania, or pyromania; or
- (3) psychoactive substance use disorders resulting from current illegal use of drugs

42 U.S.C. §12211

CIVIL RIGHTS

5. Air Carrier Access Act of 1986

49 U.S.C. §41705

Discrimination against handicapped individuals

In providing air transportation, an air carrier may not discriminate against an otherwise qualified individual on the following grounds:

- (1) the individual has a physical or mental impairment that substantially limits one or more major life activities.
- (2) the individual has a record of such an impairment.
- (3) the individual is regarded as having such an impairment

49 U.S.C. §41705

EDUCATION

6. Higher Education Act 20 U.S.C. §1003 et seq.	(3) Disability The term "disability" has the same meaning given that term under section 12102(2) of title 42. 20 U.S.C. §1003(3)
7. Federal Perkins loans 20 U.S.C. §1087aa et seq.	(c) Infants, toddlers, children, and youth with disabilities For purposes of this part, the term "infants, toddlers, children, and youth with disabilities" means children with disabilities and infants and toddlers with disabilities as defined in sections 1401(a)(1) and 1472(1)* of this title. *Section 1472 of this title was a reference to section 672 of the Individuals with Disabilities Education Act. Section 1472 no longer defines "infants and toddlers with disabilities". 20 U.S.C. §1087ii(c)
8. General Education Provisions Act 20 U.S.C. §1228c	(1) Disability The term "disability" has the same meaning given to such term by section 12102(2) of title 42. 20 U.S.C. §1228c(d)(1)

EDUCATION

9. Individuals with Disabilities Education Act (IDEA)

20 U.S.C. §1400 et seq.

(3) Child with a disability

(A) In general. The term "child with a disability" means a child -

- (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and
- (ii) who, by reason thereof, needs special education and related services.

(B) Child aged 3 through 9. The term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child -

- (i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and
- (ii) who, by reason thereof, needs special education and related services.

20 U.S.C. §1401(3)

(5) Infant or toddler with a disability

The term "infant or toddler with a disability" -

(A) means an individual under 3 years of age who needs early intervention services because the individual -

- (i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
- (ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

(B) may also include, at a State's discretion, at-risk infants and toddlers

20 U.S.C. §1432(5)

10. Carl D. Perkins Vocational and Applied Technical Education Act of 1998

20 U.S.C. §2301 et seq.

(14) Individual with a disability

(A) In general

The term "individual with a disability" means an individual with any disability (as defined in section 12102 of title 42).

20 U.S.C. §2302(14)

EDUCATION

<p>11. Adult Education and Family Literacy Act</p> <p>20 U.S.C. §9201 et seq.</p>	<p>(9) Individual with a disability</p> <p>(A) In general The term "individual with a disability" means an individual with any disability (as defined in section 12102 of title 42).</p> <p>20 U.S.C. §9202(9)</p>
<p>12. Richard B. Russell National School Lunch Act</p> <p>42 U.S.C. §1751 et seq.</p>	<p>(8) Disability. - The term "disability" has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C 760 et seq.).</p> <p>42 U.S.C. §1751(d)(8)</p>
<p>13. Child Nutrition Act of 1966</p> <p>42 U.S.C. §1771 et seq.</p>	<p>(7) Disability. - The term "disability" has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C 760 et seq.).</p> <p>42 U.S.C. §1784(7)</p>
<p>14. Head Start Act</p> <p>42 U.S.C. §9831 et seq.</p>	<p>For purposes of this subchapter:</p> <p>(1) The term "child with a disability" means -</p> <p>(A) a child with a disability, as defined in section 1401(3) of title 20; and</p> <p>(B) an infant or toddler with a disability, as defined in section 1432(5) of title 20.</p> <p>42 U.S.C. §9832(1)</p>

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<p>15. Employment of personal assistants for handicapped employees</p> <p>5 U.S.C. §3102</p>	<p>(2) "handicapped employee" means an individual employed by an agency who is blind or deaf or who otherwise qualifies as a handicapped individual within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794);</p> <p>5 U.S.C. §3102(a)(2)</p>
<p>16. Rehabilitation Act of 1973</p> <p>29 U.S.C §701 et seq.</p>	<p>(9) Disability The term "disability" means - (A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or (B) for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII of this chapter, a physical or mental impairment that substantially limits one or more major life activities.</p> <p>29 U.S.C §705(9)</p> <hr style="border-top: 1px dashed black;"/> <p>(20) Individual with a disability (A) In general Except as otherwise provided in subparagraph (B), the term "individual with a disability" means any individual who (i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and (ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to subchapter I, III, or VI of this chapter.</p> <p>(B) Certain programs; limitations on major life activities Subject to subparagraphs (C), (D), (E), and (F), the term "individual with a disability" means, for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII of this chapter, any person who - (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.</p> <p>(C) Rights and advocacy provisions (i) In general; exclusion of individuals engaging in drug use For purposes of subchapter V of this chapter, the term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use. (ii) Exception for individuals no longer engaging in drug use Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who - (I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use; (II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or (III) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a</p>

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violation of this chapter for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

(iii) Exclusion for certain services

Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under subchapters I, II, and III of this chapter, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

(iv) Disciplinary action

For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

(v) Employment; exclusion of alcoholics

For purposes of sections 793 and 794 of this title as such sections relate to employment, the term "individual with a disability" does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

(D) Employment; exclusion of individuals with certain diseases or infections

For the purposes of sections 793 and 794 of this title, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

(E) Rights provisions; exclusion of individuals on basis of homosexuality or bisexuality

For the purposes of sections 791, 793, and 794 of this title -

(i) for purposes of the application of subparagraph (B) to such sections, the term "impairment" does not include homosexuality or bisexuality; and

(ii) therefore the term "individual with a disability" does not include an individual on the basis of homosexuality or bisexuality.

(F) Rights provisions; exclusion of individuals on basis of certain disorders

For the purposes of sections 791, 793, and 794 of this title, the term "individual with a disability" does not include an individual on the basis of -

(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) compulsive gambling, kleptomania, or pyromania; or

(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

29 U.S.C §705(20)

EMPLOYMENT

(21) Individual with a significant disability

(A) In general

Except as provided in subparagraph (B) or (C), the term "individual with a significant disability" means an individual with a disability -

- (i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- (ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subparagraphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.

(B) Independent living services and centers for independent living

For purposes of subchapter VII of this chapter, the term "individual with a significant disability" means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment, respectively.

(C) Research and training

For purposes of subchapter II of this chapter, the term "individual with a significant disability" includes an individual described in subparagraph (A) or (B).

(E) Individual with a most significant disability

(i) In general

The term "individual with a most significant disability", used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 721(a)(5)(C) of this title.

29 U.S.C §705(21)

EMPLOYMENT

<p>17. Helen Keller National Center Act</p> <p>29 U.S.C. §1901 et seq.</p>	<p>(2) the term "individual who is deaf-blind" means any individual -</p> <p>(A) (i) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both these conditions;</p> <p>(ii) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and</p> <p>(iii) for whom the combination of impairments described in clauses (i) and (ii) cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation;</p> <p>(B) who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives; or</p> <p>(C) meets such other requirements as the Secretary may prescribe by regulation;</p> <p>29 U.S.C. §1905(2)</p>
<p>18. Workforce Investment Systems</p> <p>29 U.S.C. §2801</p>	<p>(17) Individual with a disability</p> <p>(A) In general</p> <p>The term "individual with a disability" means an individual with any disability (as defined in section 12102 of title 42).</p> <p>29 U.S.C. §2801(17)</p>
<p>19. Longshore and Harbor Workers' Compensation Act</p> <p>33 U.S.C. §901 et seq.</p>	<p>(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment; but such term shall mean permanent impairment, determined (to the extent covered thereby) under the guides to the evaluation of permanent impairment promulgated and modified from time to time by the American Medical Association, in the case of an individual whose claim is described in section 910(d)(2) of this title.</p> <p>33 U.S.C. §902(10)</p>
<p>20. Javits-Wagner-O'Day Act</p> <p>41 U.S.C. §46-48c</p>	<p>(2) The terms "other severely handicapped" and "severely handicapped individuals" mean an individual or class of individuals under a physical or mental disability, other than blindness, which (according to criteria established by the Committee after consultation with appropriate entities of the Government and taking into account the views of non-Government entities representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.</p> <p>41 U.S.C. §48b(2)</p>

EMPLOYMENT

<p>21. Ticket to Work and Self-Sufficiency Program</p> <p>42 U.S.C. §1320b-19</p>	<p>(2) Disabled beneficiary The term "disabled beneficiary" means a title II disability beneficiary or a title XVI disability beneficiary.</p> <p>(3) Title II disability beneficiary The term "title II disability beneficiary" means an individual entitled to disability insurance benefits under section 423 of this title or to monthly insurance benefits under section 402 of this title based on such individual's disability (as defined in section 423(d) of this title). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.</p> <p>(4) Title XVI disability beneficiary The term "title XVI disability beneficiary" means an individual eligible for supplemental security income benefits under subchapter XVI of this chapter on the basis of blindness (within the meaning of section 1382c(a)(2) of this title) or disability (within the meaning of section 1382c(a)(3) of this title). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.</p> <p>1320b-19(k)(2)</p>
<p>22. Social Security Work Incentives Outreach Program</p> <p>42 U.S.C. §1320b-20</p>	<p>(2) Disabled beneficiary The term "disabled beneficiary" has the meaning given that term in section 1320b-19(k)(2) of this title.</p> <p>42 U.S.C. §1320b-20(c)(2)</p>
<p>23. State Grants For Work Incentives Assistance To Disabled Beneficiaries</p> <p>42 U.S.C. §1320b-21</p>	<p>(2) Disabled beneficiary The term "disabled beneficiary" has the meaning given that term in section 1320b-19(k)(2) of this title.</p> <p>42 U.S.C. §1320b-21(g)(2)</p>

HOUSING

24. Native American Housing Assistance and Self-Determination Act of 1996

25 U.S.C. §4101 et seq.

(17) Person with disabilities

The term "person with disabilities" means a person who -

(A) has a disability as defined in section 423 of title 42;

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

(C) has a developmental disability as defined in section 15002 of title 42.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this chapter, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

25 U.S.C. §4103(17)

25. United States Housing Act of 1937

42 U.S.C. §1437 et seq.

(E) Person with disabilities. -

The term "person with disabilities" means a person who -

(i) has a disability as defined in section 423 of this title,

(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which

(I) is expected to be of long-continued and indefinite duration,

(II) substantially impedes his or her ability to live independently, and

(III) is of such a nature that such ability could be improved by more suitable housing conditions, or

(iii) has a developmental disability as defined in section 6001 of this title.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this subchapter, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

42 U.S.C. §1437a(b)(3)(E)

HOUSING

<p>26. Farm Housing Financial Assistance</p> <p>42 U.S.C. §1471</p>	<p>(3) For the purposes of this subchapter, the term "elderly or handicapped persons or families" means families which consist of two or more persons, the head of which (or his or her spouse) is at least sixty-two years of age or is handicapped. Such term also means a single person who is at least sixty-two years of age or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have an impairment which</p> <ul style="list-style-type: none"> (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions, or if such person has a developmental disability as defined in section 6001(7)* of this title. <p>* Section 6001(7) of this title was subsequently amended, and section 6001(7) no longer defines the term "developmental disability". However, such term is defined elsewhere in that section.</p> <p>42 U.S.C. §1471(b)(3)</p>
<p>27. Congregate Housing Services Act of 1978</p> <p>42 U.S.C. §8001</p>	<p>(5) the term "handicapped" means having an impairment which</p> <ul style="list-style-type: none"> (A) is expected to be of long-continued and indefinite duration, and (B) substantially impedes an individual's ability to live independently unless the individual receives supportive congregate services; such impairment may include a functional disability or frailty which is a normal consequence of the human aging process; <p>42 U.S.C. §8002(5)</p>
<p>28. Revised Congregate Housing Services</p> <p>42 U.S.C. §8011</p>	<p>(14) The term "person with disabilities" has the meaning given the term by section 8013 of this title.</p> <p>20 U.S.C. §8011(k)(14)</p>

HOUSING

<p>29. Supportive Housing For Persons With Disabilities</p> <p>42 U.S.C. §8013</p>	<p>(2) The term "person with disabilities" means a household composed of one or more persons at least one of whom is an adult who has a disability. A person shall be considered to have a disability if such person is determined, pursuant to regulations issued by the Secretary to have a physical, mental, or emotional impairment which</p> <ul style="list-style-type: none"> (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his or her ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if such person has a developmental disability as defined in section 6001(7)* of this title. The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term "person with disabilities" includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this paragraph who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death. <p>* Section 6001(7) of this title was subsequently amended, and section 6001(7) no longer defines the term "developmental disability". However, such term is defined elsewhere in that section.</p> <p>42 U.S.C. §8013(k)(2)</p>
<p>30. Supportive Housing Program</p> <p>42 U.S.C. §11381</p>	<p>(2) The term "disability" means -</p> <ul style="list-style-type: none"> (A) a disability as defined in section 423 of this title, (B) to be determined to have, pursuant to regulations issued by the Secretary, a physical, mental, or emotional impairment which <ul style="list-style-type: none"> (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes an individual's ability to live independently, and (iii) of such a nature that such ability could be improved by more suitable housing conditions, (C) a developmental disability as defined in section 6001 of this title, or (D) the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome. <p>Subparagraph (D) shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).</p> <p>42 U.S.C. §11382(2)</p>
<p>31. Shelter Plus Care Program</p> <p>42 U.S.C. §11403 et seq.</p>	<p>(6) The term "person with disabilities" has the same meaning given the term in section 8013 of this title.</p> <p>42 U.S.C. §11403g(6)</p>

INTERNAL REVENUE CODE

<p>32. Credit for the elderly and the permanently and totally disabled</p> <p>26 U.S.C. §22</p>	<p>(3) Permanent and total disability defined An individual is permanently and totally disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to be permanently and totally disabled unless he furnishes proof of the existence thereof in such form and manner, and at such times, as the Secretary may require.</p> <p>26 U.S.C. §22(e)(3)</p>
<p>33. Expenditures to provide access to disabled individuals</p> <p>26 U.S.C. §44</p>	<p>(1) The term "disability" has the same meaning as when used in the Americans With Disabilities Act of 1990 (as in effect on the date of the enactment of this section).</p> <p>26 U.S.C. §44(d)(1)</p>
<p>34. Annuities; certain proceeds of endowment and life insurance contracts</p> <p>26 U.S.C. §72</p>	<p>(7) Meaning of disabled For purposes of this section, an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Secretary may require.</p> <p>26 U.S.C. §72(m)(7)</p>
<p>35. Personal exemption for permanent and total disability</p> <p>26 U.S.C. §151</p>	<p>(C) An individual shall be treated as permanently and totally disabled for purposes of this paragraph if such individual would be so treated under paragraph (3) of section 22(e).</p> <p>26 U.S.C. §151(c)(5)(C)</p>
<p>36. Expenditures to remove architectural and transportation barriers to the handicapped and elderly</p> <p>26 U.S.C. §190</p>	<p>(3) Handicapped individual The term "handicapped individual" means any individual who has a physical or mental disability (including, but not limited to, blindness or deafness) which for such individual constitutes or results in a functional limitation to employment, or who has any physical or mental impairment (including, but not limited to, a sight or hearing impairment) which substantially limits one or more major life activities of such individual.</p> <p>26 U.S.C. §190(b)(3)</p>

INTERNAL REVENUE CODE

37. Special rules for retired or disabled decedents and surviving spouses, valuation or certain real property, estate tax

(B) An individual shall be disabled if such individual has a mental or physical impairment which renders him unable to materially participate in the operation of the farm or other business.

26 U.S.C. §2032A(b)(4)(B)

26 U.S.C. §2032A

SOCIAL SECURITY

38. Social Security Disability Insurance (SSDI)

42 U.S.C. §§ 401; 420-425

Sections 201 & 220-225 of the Social Security Act

(d) "Disability" defined

(1) The term "disability" means -

(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(B) in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

(2) For purposes of paragraph (1)(A) -

(A) An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

(B) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Commissioner of Social Security shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Commissioner of Social Security does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.

(C) An individual shall not be considered to be disabled for purposes of this subchapter if alcoholism or drug addiction would (but for this subparagraph) be a contributing factor material to the Commissioner's determination that the individual is disabled.

(3) For purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

42 U.S.C. §423(d)

SOCIAL SECURITY

<p>39. Social Security – additional definitions</p> <p>42 U.S.C. §416</p> <p>Section 216 of the Social Security Act</p>	<p>(1) Except for purposes of sections 402(d), 402(e), 402(f), 423, and 425 of this title, the term "disability" means</p> <p>(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or</p> <p>(B) blindness; and the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less. The provisions of paragraphs (2)(A), (2)(B), (3), (4), (5), and (6) of section 423(d) of this title shall be applied for purposes of determining whether an individual is under a disability within the meaning of the first sentence of this paragraph in the same manner as they are applied for purposes of paragraph (1) of such section. Nothing in this subchapter shall be construed as authorizing the Commissioner of Social Security or any other officer or employee of the United States to interfere in any way with the practice of medicine or with relationships between practitioners of medicine and their patients, or to exercise any supervision or control over the administration or operation of any hospital.</p> <p>42 U.S.C. §416(i)(1)</p>
<p>40. Supplemental Security Income (SSI)</p> <p>42 U.S.C. §1381 et seq.</p> <p>Title XVI of the Social Security Act</p>	<p>(a) (2) An individual shall be considered to be blind for purposes of this subchapter if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this subchapter if he is blind as defined under a State plan approved under subchapter X or XVI of this chapter as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.</p> <p>(3) (A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this subchapter if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.</p> <p>(B) For purposes of subparagraph (A), an individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.</p> <p>(C) (i) An individual under the age of 18 shall be considered disabled for the purposes of this subchapter if that individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous</p>

SOCIAL SECURITY

period of not less than 12 months.

(ii) Notwithstanding clause (i), no individual under the age of 18 who engages in substantial gainful activity (determined in accordance with regulations prescribed pursuant to subparagraph (E)) may be considered to be disabled.

(D) For purposes of this paragraph, a physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

(E) The Commissioner of Social Security shall by regulations prescribe the criteria for determining when services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity...

(F) Notwithstanding the provisions of subparagraphs (A) through (E), an individual shall also be considered to be disabled for purposes of this subchapter if he is permanently and totally disabled as defined under a State plan approved under subchapter XIV or XVI of this chapter as in effect for October 1972 and received aid under such plan (on the basis of disability) for December 1973 (and for at least one month prior to July 1973), so long as he is continuously disabled as so defined.

(G) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Commissioner of Social Security shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Commissioner of Social Security does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.

42 U.S.C. §1382c(3)

SOCIAL SERVICES

<p>41. Indian Health Care Home- And Community-Based Care Demonstration Project</p> <p>25 U.S.C. §1680k</p>	<p>(2) The term "functionally disabled" means an individual who is determined to require home- and community-based services based on an assessment that uses criteria (including, at the discretion of the tribe or tribal organization, activities of daily living) developed by the tribe or tribal organization.</p> <p>25 U.S.C. §1680k(h)(2)</p>
<p>42. Home And Community Care For Functionally Disabled Elderly Individuals</p> <p>42 U.S.C. §1396t</p>	<p>(c) Determinations of functional disability</p> <p>(1) In general</p> <p>In this section, an individual is "functionally disabled" if the individual -</p> <p>(A) is unable to perform without substantial assistance from another individual at least 2 of the following 3 activities of daily living: toileting, transferring, and eating; or</p> <p>(B) has a primary or secondary diagnosis of Alzheimer's disease and is</p> <p>(i) unable to perform without substantial human assistance (including verbal reminding or physical cueing) or supervision at least 2 of the following 5 activities of daily living: bathing, dressing, toileting, transferring, and eating; or</p> <p>(ii) cognitively impaired so as to require substantial supervision from another individual because he or she engages in inappropriate behaviors that pose serious health or safety hazards to himself or herself or others.</p> <p>42 U.S.C. §1396t(c)</p>

SOCIAL SERVICES

<p>43. Older Americans Act of 1965</p> <p>42 U.S.C. §3001 et seq.</p>	<p>(8) The term "disability" means (except when such term is used in the phrase "severe disability", "developmental disabilities", "physical or mental disability", "physical and mental disabilities", or "physical disabilities") a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity:</p> <ul style="list-style-type: none"> (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment. <p>42 U.S.C. §3002(8)</p> <hr style="border-top: 1px dashed black;"/> <p>(9) The term "severe disability" means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that -</p> <ul style="list-style-type: none"> (A) is likely to continue indefinitely; and (B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8). <p>42 U.S.C. §3002(9)</p>
<p>44. Title IV of the Older Americans Act of 1965.</p> <p>Demonstration Programs For Older Individuals With Developmental Disabilities</p> <p>42 U.S.C. §3035n</p>	<p>As used in this section:</p> <p>(1) Developmental disability The term "developmental disability" has the meaning given the term in section 6001(5)* of this title.</p> <p>* Section 6001(5) of this title, referred to in subsec. (a)(1), was subsequently amended, and section 6001(5) no longer defines the term "developmental disability". However, such term is defined elsewhere in that section.</p> <p>42 U.S.C. §3035n(1)</p>
<p>45. Title II of the Child Abuse Prevention and Treatment Act.</p> <p>Community-Based Family Resource And Support Grants</p> <p>42 U.S.C. §5116 et seq.</p>	<p>(1) Children with disabilities The term "children with disabilities" has the same meaning given such term in section 1401(a)(2) of title 20.</p> <p>42 U.S.C. §5116h(1)</p>

SOCIAL SERVICES

**46. State Dependent Care
Development Grants Act**

42 U.S.C. §9871 et seq.

(3) the term "developmental disability" has the same meaning as in section 6001(7)* of this title;

*Section 6001(7) of this title was subsequently amended, and section 6001(7) no longer defines the term "developmental disability".
However, such term is defined elsewhere in that section.

42 U.S.C. §9877(3)

VETERANS and ARMED FORCES

<p>47. Government organization and employees</p> <p>5 U.S.C. §2108</p>	<p>(2) "disabled veteran" means an individual who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Department of Veterans Affairs or a military department</p> <p>5 U.S.C. §2108(2)</p>
<p>48. Special compensation for certain severely disabled uniformed services retirees</p> <p>10 U.S.C. §1413</p>	<p>(d) Qualifying Service-Connected Disability Defined. In this section, the term "qualifying service-connected disability" means a service-connected disability that -</p> <p>(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and</p> <p>(2) is rated as not less than 70 percent disabling -</p> <p>(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or</p> <p>(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.</p> <p>10 U.S.C. §1413 (d)</p>
<p>49. Assistive technology, assistive technology devices, and assistive technology services</p> <p>10 U.S.C. §1582</p>	<p>(b) In this section, the terms "assistive technology", "assistive technology device", "assistive technology service", and "disability" have the meanings given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).</p> <p>10 U.S.C. §1582(b)</p>
<p>50. Pension for non-service-connected disability or death or for service</p> <p>38 U.S.C. §1501 et seq.</p>	<p>(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such a person is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person, or is suffering from -</p> <p>(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or</p> <p>(2) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.</p> <p>38 U.S.C. §1502(a)</p>
<p>51. Hospital, nursing home, domiciliary, and medical care for veterans</p> <p>38 U.S.C. §1701 et seq.</p>	<p>For the purposes of this chapter -</p> <p>(1) The term "disability" means a disease, injury, or other physical or mental defect.</p> <p>38 U.S.C. §1701(1)</p>

VETERANS and ARMED FORCES

<p>52. Survivors' and dependents' educational assistance</p> <p>38 U.S.C. §3500 et seq.</p>	<p>(8) The term "total disability permanent in nature" means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person.</p> <p>38 U.S.C. §3501(a)(8)</p>
<p>53. Veterans' Small Business Loan Act of 1981</p> <p>38 U.S.C. §3741 et seq.</p>	<p>(1) The term "disabled veteran" means</p> <p>(A) a veteran who is entitled to compensation under laws administered by the Secretary for a disability rated at 30 percent or more, or</p> <p>(B) a veteran whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.</p> <p>38 U.S.C. §3741(1)</p>
<p>54. Job counseling, training, and placement service for veterans</p> <p>38 U.S.C. §4100 et seq.</p>	<p>(1) The term "special disabled veteran" has the same meaning provided in section 4211(1) of this title.</p> <p>38 U.S.C. §4101(1)</p> <p>-----</p> <p>(3) The term "disabled veteran" has the same meaning provided in section 4211(3) of this title.</p> <p>38 U.S.C. §4101(3)</p>
<p>55. Employment and training of veterans</p> <p>38 U.S.C. §4211 et seq.</p>	<p>(1) The term "special disabled veteran" means -</p> <p>(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary for a disability</p> <p>(i) rated at 30 percent or more, or</p> <p>(ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 3106 of this title to have a serious employment handicap; or</p> <p>(B) a person who was discharged or released from active duty because of service-connected disability.</p> <p>38 U.S.C. §4211(1)</p> <p>-----</p> <p>(3) The term "disabled veteran" means</p> <p>(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary, or</p> <p>(B) a person who was discharged or released from active duty because of a service-connected disability.</p> <p>38 U.S.C. §4211(3)</p>

MISCELLANEOUS

56. Food Stamp Act of 1977

7 U.S.C. §2011 et seq.

- (r) "Elderly or disabled member" means a member of a household who -
- (1) is sixty years of age or older;
 - (2) (A) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or Federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note), or
(B) receives Federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance pending receipt of supplemental security income, disability-related medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act;
 - (3) receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.) or receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i));
 - (4) is a veteran who -
 - (A) has a service-connected or non-service-connected disability which is rated as total under title 38; or
 - (B) is considered in need of regular aid and attendance or permanently housebound under such title;
 - (5) is a surviving spouse of a veteran and -
 - (A) is considered in need of regular aid and attendance or permanently housebound under title 38; or
 - (B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i));
 - (6) is a child of a veteran and -
 - (A) is considered permanently incapable of self-support under section 1314 of title 38; or
 - (B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)); or
 - (7) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if the individual's service as an employee under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act (42 U.S.C. 301 et seq.), and if an application for disability benefits had been filed.

7 U.S.C. §2012(r)

MISCELLANEOUS

<p>57. Small Business Act</p> <p>15 U.S.C. §631 et seq.</p>	<p>(f) "Handicapped individual" defined For purposes of section 636 of this title, the term "handicapped individual" means an individual - (1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable; or (2) who is a service-disabled veteran.</p> <p>15 U.S.C. §632(f)</p> <hr/> <p>§644(c) Programs for blind and handicapped individuals (1) As used in this subsection: (C) The term "handicapped individual" has the same meaning given such term in section 632(f) of this title.</p> <p>15 U.S.C. §644(c)(1)(C)</p>
<p>58. Copyright - Limitations on exclusive rights: reproduction for blind or other people with disabilities</p> <p>17 U.S.C. §121</p>	<p>(c) For purposes of this section, the term - (2) "blind or other persons with disabilities" means individuals who are eligible or who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats;</p> <p>17 U.S.C. §121(c)(2)</p>
<p>59. Assistive Technology Act of 1998</p> <p>29 U.S.C. §3001 et seq.</p>	<p>(8) Disability The term "disability" means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this chapter or for the purposes of the law of the State in which the individual resides.</p> <p>29 U.S.C. §3002(a)(8)</p> <hr/> <p>(9) Individual with a disability; individuals with disabilities (A) Individual with a disability The term "individual with a disability" means any individual of any age, race, or ethnicity - (i) who has a disability; and (ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.</p> <p>29 U.S.C. §3002(a)(9)</p>

MISCELLANEOUS

<p>60. Federal Mine Safety and Health Act of 1977</p> <p>30 U.S.C. §801</p>	<p>(1) The term "total disability" has the meaning given it by regulations of the Secretary of Health and Human Services* for claims under part B of this subchapter, and by regulations of the Secretary of Labor for claims under part C of this subchapter, subject to the relevant provisions of subsections (b) and (d) of section 923 of this title, except that -</p> <p>(A) in the case of a living miner, such regulations shall provide that a miner shall be considered totally disabled when pneumoconiosis prevents him or her from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he or she previously engaged with some regularity and over a substantial period of time;</p> <p>(B) such regulations shall provide that</p> <p>(i) a deceased miner's employment in a mine at the time of death shall not be used as conclusive evidence that the miner was not totally disabled; and</p> <p>(ii) in the case of a living miner, if there are changed circumstances of employment indicative of reduced ability to perform his or her usual coal mine work, such miner's employment in a mine shall not be used as conclusive evidence that the miner is not totally disabled;</p> <p>(C) such regulations shall not provide more restrictive criteria than those applicable under section 423(d) of title 42; and</p> <p>(D) the Secretary of Labor, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish criteria for all appropriate medical tests under this subsection which accurately reflect total disability in coal miners as defined in subparagraph (A).</p> <p>* So in original. Probably should be "Commissioner of Social Security"</p> <p>30 U.S.C. §801(f)(1)</p>
<p>61. Voting Accessibility for the Elderly and Handicapped Act</p> <p>42 U.S.C. §1973ee et seq.</p>	<p>(4) "handicapped" means having a temporary or permanent physical disability;</p> <p>42 U.S.C. §1973ee-6(4)</p>
<p>62. Domestic Volunteer Service Act of 1973</p> <p>42 U.S.C. §4950 et seq.</p>	<p>(11) except as provided in section 5057 of this title, the term "individual with a disability" has the meaning given the term in section 705(20)(B) of title 29;</p> <p>42 U.S.C. §5061(11)</p>
<p>63. National Child Protection Act of 1993</p> <p>42 U.S.C. §5119 et seq.</p>	<p>(7) the term "individuals with disabilities" means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks;</p> <p>42 U.S.C. §5119c(7)</p>

MISCELLANEOUS

<p>64. Energy Conservation in Existing Buildings Act of 1976</p> <p>42 U.S.C. §6851 et seq.</p>	<p>(5) The term "handicapped person" means any individual</p> <p>(A) who is an individual with a disability, as defined in section 705 of title 29,</p> <p>(B) who is under a disability as defined in section 1614(a)(3)(A) or 233(d)(1) of the Social Security Act (42 U.S.C. 1382c(a)(3)(A), 423(d)(1)) or in section 102(7)* of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 6001(7)), or</p> <p>(C) who is receiving benefits under chapter 11 or 15 of title 38.</p> <p>*Section 102(7) of 42 U.S.C. 6001(7) was subsequently amended and no longer defines the term "developmental disability". However, such term is defined elsewhere in that section.</p> <p>42 U.S.C. 6862(5)</p>
<p>65. National and Community Service Act of 1990</p> <p>42 U.S.C. §12501 et seq.</p>	<p>(12) Individual with a disability</p> <p>Except as provided in section 12635(a) of this title, the term "individual with a disability" has the meaning given the term in section 705(20)(B) of title 29.</p> <p>42 U.S.C. §12511(12)</p>
<p>66. Telecommunications Act of 1996</p> <p>47 U.S.C. §255</p>	<p>(1) Disability</p> <p>The term "disability" has the meaning given to it by section 12102(2)(A) of title 42.</p> <p>47 U.S.C. §255(a)(1)</p>
<p>67. Mass Transportation</p> <p>49 U.S.C. §5301 et seq.</p>	<p>(5) Handicapped individual. -</p> <p>The term "handicapped individual" means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.</p> <p>49 U.S.C. §5302(a)(5)</p> <hr style="border-top: 1px dashed black;"/> <p>(b) Authority To Modify "Handicapped Individual". -</p> <p>The Secretary may by regulation modify the definition of the term "handicapped individual" in subsection (a)(5) as it applies to section 5307(d)(1)(D).</p> <p>49 U.S.C. §5302(b)</p>

TABLE 2 CROSS-REFERENCE

Some acts and programs refer to definitions contained in other titles or sections of the U.S. Code. You can use Table 2 to find those definitions. For example, if a definition in Table 1 states: *The term "disability" has the same meaning given to such term by section 12102(2) of title 42,* find 42 U.S.C. §12102(2) in Table 2 for the definition. Also, some programs refer to more than one definition. Table 2 is a cross-reference guide that illustrates the overlap in definitions. The first column is organized numerically by U.S. Code title. The second column presents the definition. The third column lists the acts and programs that use that definition of disability.

Definition Source	Disability Definition	Programs Which Refer To This Definition
1. 20 U.S.C. §1401(3) Individuals with Disabilities Education Act (IDEA)	(3) Child with a disability (A) In general. The term "child with a disability" means a child - (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services. (B) Child aged 3 through 9. The term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child - (i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and (ii) who, by reason thereof, needs special education and related services.	<ul style="list-style-type: none"> ▪ Federal Perkins loans, 20 U.S.C. §1087ii(c). ▪ Head Start Act, 42 U.S.C. §9832(1) ▪ Title II of the Child Abuse Prevention and Treatment Act, 42 U.S.C. §5116h(1)

Definition Source	Disability Definition	Programs Which Refer To This Definition
<p>2. 20 U.S.C. §1432(5)</p> <p>Individuals with Disabilities Education Act (IDEA)</p>	<p>(5) Infant or toddler with a disability</p> <p>The term "infant or toddler with a disability" -</p> <p>(A) means an individual under 3 years of age who needs early intervention services because the individual -</p> <p>(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or</p> <p>(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and</p> <p>(B) may also include, at a State's discretion, at-risk infants and toddlers.</p>	<ul style="list-style-type: none"> ▪ Federal Perkins loans, 20 U.S.C. §1087ii(c) ▪ Head Start Act, 42 U.S.C. §9832(1)
<p>3. 26 U.S.C. §22(e)(3)</p> <p>Credit for the elderly and the permanently and totally disabled</p>	<p>(3) Permanent and total disability defined</p> <p>An individual is permanently and totally disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to be permanently and totally disabled unless he furnishes proof of the existence thereof in such form and manner, and at such times, as the Secretary may require.</p>	<ul style="list-style-type: none"> ▪ Personal exemption for permanent and total disability, 26 U.S.C. §151(c)(5)(C)
<p>4. 29 U.S.C §705(9)</p> <p>Rehabilitation Act of 1973</p>	<p>(9) Disability</p> <p>The term "disability" means -</p> <p>(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or</p> <p>(B) for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII of this chapter, a physical or mental impairment that substantially limits one or more major life activities.</p>	<ul style="list-style-type: none"> ▪ Richard B. Russell National School Lunch Act, 42 U.S.C. §1751(d)(8) ▪ Child Nutrition Act of 1966, 42 U.S.C. §1784(7)

Definition Source	Disability Definition	Programs Which Refer To This Definition
5. 29 U.S.C. §705(20) Rehabilitation Act of 1973	(20) Individual with a disability >See entry #16 in Table 1 for full text of definition	<ul style="list-style-type: none"> ▪ Domestic Volunteer Service Act of 1973, 42 U.S.C. §5061(11) ▪ Employment of personal assistants for handicapped employees, 5 U.S.C. §3102(a)(2) ▪ Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6862(5) ▪ National and Community Service Act of 1990, 42 U.S.C. §12511(12)
6. 29 U.S.C. §3002(a)(8) Assistive Technology Act of 1998	(8) Disability The term "disability" means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this chapter or for the purposes of the law of the State in which the individual resides.	<ul style="list-style-type: none"> ▪ Assistive technology, assistive technology devices, and assistive technology services (Dept. of Defense), 10 U.S.C. §1582(b)
7. 38 U.S.C. §4211(1) Employment and training of veterans	(1) The term "special disabled veteran" means - (A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 3106 of this title to have a serious employment handicap; or (B) a person who was discharged or released from active duty because of service-connected disability.	<ul style="list-style-type: none"> ▪ Job counseling, training, and placement service for veterans, 38 U.S.C. §4101(1)
8. 38 U.S.C. §4211(3) Employment and training of veterans	(3) The term "disabled veteran" means (A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary, or (B) a person who was discharged or released from active duty because of a service-connected disability.	<ul style="list-style-type: none"> ▪ Job counseling, training, and placement service for veterans, 38 U.S.C. §4101(3)

Definition Source	Disability Definition	Programs Which Refer To This Definition
<p>9. 42 U.S.C. §423(d)</p> <p>Social Security Disability Insurance (SSDI)</p>	<p>(d) "Disability" defined</p> <p>>See entry #38 in Table 1 for full text of definition.</p>	<ul style="list-style-type: none"> ▪ Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6862(5) ▪ Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. §4103(17) ▪ Social Security Work Incentives Outreach Program, 42 U.S.C. §1320b-20(c)(2) ▪ State Grants For Work Incentives Assistance To Disabled Beneficiaries, 42 U.S.C. §1320b-21(g)(2) ▪ Supportive Housing Program, 42 U.S.C. §11382(2) ▪ Ticket to Work and Self-Sufficiency Program, 42 U.S.C. §1320b-19(k)(2) ▪ United States Housing Act of 1937, 42 U.S.C. §1437a(b)(3)(E)
<p>10. 42 U.S.C. §1382c(3)</p> <p>Supplemental Security Income (SSI)</p>	<p>>See entry #40 in Table 1 for full text of definition.</p>	<ul style="list-style-type: none"> ▪ Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6862(5) ▪ Ticket to Work and Self-Sufficiency Program, 42 U.S.C. §1320b-19(k)(2) ▪ Social Security Work Incentives Outreach Program, 42 U.S.C. §1320b-20(c)(2) ▪ State Grants For Work Incentives Assistance To Disabled Beneficiaries, 42 U.S.C. §1320b-21(g)(2)

Definition Source	Disability Definition	Programs Which Refer To This Definition
<p>11. 42 U.S.C. §6001(8)</p> <p>Developmental Disabilities Assistance and Bill of Rights Act</p>	<p>(8) Developmental disability</p> <p>The term "developmental disability" means a severe, chronic disability of an individual 5 years of age or older that -</p> <p>(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;</p> <p>(B) is manifested before the individual attains age 22;</p> <p>(C) is likely to continue indefinitely;</p> <p>(D) results in substantial functional limitations in three or more of the following areas of major life activity -</p> <ul style="list-style-type: none"> (i) self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; and (vii) economic self-sufficiency; and <p>(E) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.</p>	<ul style="list-style-type: none"> ▪ Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6862(5) ▪ Farm Housing Financial Assistance, 42 U.S.C. §1471(b)(3) ▪ Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. §4103(17) ▪ Revised Congregate Housing Services, 20 U.S.C. §8011(k)(14) ▪ Shelter Plus Care Program, 42 U.S.C. §11403g(6) ▪ State Dependent Care Development Grants Act, 42 U.S.C. §9877(3) ▪ Supportive Housing For Persons With Disabilities, 42 U.S.C. §8013(k)(2) ▪ Supportive Housing Program, 42 U.S.C. §11382(2) ▪ Title IV of the Older Americans Act of 1965, 42 U.S.C. §3035n(1) ▪ United States Housing Act of 1937, 42 U.S.C. §1437a(b)(3)(E)

Definition Source	Disability Definition	Programs Which Refer To This Definition
<p>12. 42 U.S.C. §8013(k)(2)</p> <p>Supportive Housing For Persons With Disabilities</p>	<p>(2) The term "person with disabilities" means a household composed of one or more persons at least one of whom is an adult who has a disability. A person shall be considered to have a disability if such person is determined, pursuant to regulations issued by the Secretary to have a physical, mental, or emotional impairment which</p> <p>(A) is expected to be of long-continued and indefinite duration,</p> <p>(B) substantially impedes his or her ability to live independently, and</p> <p>(C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if such person has a developmental disability as defined in section 6001(7)* of this title. The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term "person with disabilities" includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this paragraph who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.</p> <p>* Section 6001(7) of this title was subsequently amended, and section 6001(7) no longer defines the term "developmental disability". However, such term is defined elsewhere in that section.</p>	<ul style="list-style-type: none"> ▪ Revised Congregate Housing Services, 20 U.S.C. §8011(k)(14) ▪ Shelter Plus Care Program, 42 U.S.C. §11403g(6)

Definition Source	Disability Definition	Programs Which Refer To This Definition
<p>13. 42 U.S.C. §12102(2)</p> <p>Americans with Disabilities Act of 1990</p>	<p>(2) The term "disability" means, with respect to an individual- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.</p>	<ul style="list-style-type: none"> ▪ Adult Education and Family Literacy Act, 20 U.S.C. §9202(9) ▪ Carl D. Perkins Vocational and Applied Technical Education Act of 1998, 20 U.S.C. §2302(14). ▪ Expenditures to provide access to disabled individuals, 26 U.S.C. §44(d)(1) ▪ General Education Provisions Act, 20 U.S.C. §1228c(d)(1) ▪ Higher Education Act, 20 U.S.C. §1003(3). ▪ Telecommunications Act of 1996, 47 U.S.C. §255(a)(1) ▪ Workforce Investment Systems, 29 U.S.C. §2801(17)
<p>14. 42 U.S. C. §12111(8)</p> <p>Americans with Disabilities Act of 1990</p> <p>Title I, Employment</p>	<p>(8) Qualified individual with a disability The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this subchapter, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.</p>	<ul style="list-style-type: none"> ▪ Domestic Volunteer Service Act of 1973, 42 U.S.C. §5057(a)(2).