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SUPREME COURT OF THE UNITED STATES

No. 99–1240

**BOARD OF TRUSTEES OF THE UNIVERSITY OF
ALABAMA, ET AL., PETITIONERS *v.*
PATRICIA GARRETT ET AL.**

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT**

[February 21, 2001]

CHIEF JUSTICE REHNQUIST delivered the opinion of the Court.

We decide here whether employees of the State of Alabama may recover money damages by reason of the State’s failure to comply with the provisions of Title I of the Americans with Disabilities Act of 1990 (ADA or Act), 104 Stat. 330, 42 U. S. C. §§12111–12117.¹ We hold that such

¹ Respondents’ complaints in the United States District Court alleged violations of both Title I and Title II of the ADA, and petitioners’ “Question Presented” can be read to apply to both sections. See Brief for Petitioners i; Brief for United States I. Though the briefs of the parties discuss both sections in their constitutional arguments, no party has briefed the question whether Title II of the ADA, dealing with the “services, programs, or activities of a public entity,” 42 U. S. C. §12132, is available for claims of employment discrimination when Title I of the ADA expressly deals with that subject. See, e.g., *Russello v. United States*, 464 U.S. 16, 23 (1983) (“[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion”) (internal quotation marks omitted). The Courts of Appeals are divided

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suits are barred by the Eleventh Amendment.

The ADA prohibits certain employers, including the States, from “discriminat[ing] against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” §§12112(a), 12111(2), (5), (7). To this end, the Act requires employers to “mak[e] reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless [the employer] can demonstrate that the accommodation would impose an undue hardship on the operation of the [employer’s] business.” §12112(b)(5)(A).

“[R]easonable accommodation’ may include—

“(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and (B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other

on this issue, compare *Zimmerman v. Oregon Dept. of Justice*, 170 F. 3d 1169 (CA9 1999), with *Bledsoe v. Palm Beach Cty. Soil & Water Conservation Dist.*, 133 F. 3d 816 (CA11 1998). We are not disposed to decide the constitutional issue whether Title II, which has somewhat different remedial provisions from Title I, is appropriate legislation under §5 of the Fourteenth Amendment when the parties have not favored us with briefing on the statutory question. To the extent the Court granted certiorari on the question whether respondents may sue their state employers for damages under Title II of the ADA, see this Court’s Rule 24.1(a), that portion of the writ is dismissed as improvidently granted. See *The Monrosa v. Carbon Black Export, Inc.*, 359 U. S. 180, 184 (1959).

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similar accommodations for individuals with disabilities.” §12111(9).

The Act also prohibits employers from “utilizing standards, criteria, or methods of administration . . . that have the effect of discrimination on the basis of disability.” §12112(b)(3)(A).

The Act defines “disability” to include “(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.” §12102(2). A disabled individual is otherwise “qualified” if he or she, “with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” §12111(8).

Respondent Patricia Garrett, a registered nurse, was employed as the Director of Nursing, OB/Gyn/Neonatal Services, for the University of Alabama in Birmingham Hospital. See App. 31, 38. In 1994, Garrett was diagnosed with breast cancer and subsequently underwent a lumpectomy, radiation treatment, and chemotherapy. See *id.*, at 38. Garrett’s treatments required her to take substantial leave from work. Upon returning to work in July 1995, Garrett’s supervisor informed Garrett that she would have to give up her Director position. See *id.*, at 39. Garrett then applied for and received a transfer to another, lower paying position as a nurse manager. See *ibid.*

Respondent Milton Ash worked as a security officer for the Alabama Department of Youth Services (Department). See *id.*, at 8. Upon commencing this employment, Ash informed the Department that he suffered from chronic asthma and that his doctor recommended he avoid carbon monoxide and cigarette smoke, and Ash requested that the Department modify his duties to minimize his exposure to these substances. See *ibid.* Ash was later diagnosed with

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sleep apnea and requested, again pursuant to his doctor's recommendation, that he be reassigned to daytime shifts to accommodate his condition. See *id.*, at 9. Ultimately, the Department granted none of the requested relief. See *id.*, at 8–9. Shortly after Ash filed a discrimination claim with the Equal Employment Opportunity Commission, he noticed that his performance evaluations were lower than those he had received on previous occasions. See *id.*, at 9.

Garrett and Ash filed separate lawsuits in the District Court, both seeking money damages under the ADA.² Petitioners moved for summary judgment, claiming that the ADA exceeds Congress' authority to abrogate the State's Eleventh Amendment immunity. See 989 F. Supp. 1409, 1410 (ND Ala. 1998). In a single opinion disposing of both cases, the District Court agreed with petitioners' position and granted their motions for summary judgment. See *id.*, at 1410, 1412. The cases were consolidated on appeal to the Eleventh Circuit. The Court of Appeals reversed, 193 F. 3d 1214 (1999), adhering to its intervening decision in *Kimel v. State Bd. of Regents*, 139 F. 3d 1426, 1433 (CA11 1998), cert. granted, 525 U. S. 1121, cert. dismissed, 528 U. S. 1184 (2000), that the ADA validly abrogates the States' Eleventh Amendment immunity.

We granted certiorari, 529 U. S. 1065 (2000), to resolve a split among the Courts of Appeals on the question whether an individual may sue a State for money damages in federal court under the ADA.

I

The Eleventh Amendment provides:

“The Judicial power of the United States shall not be

²Garrett raised other claims, but those are not presently before the Court.

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construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”

Although by its terms the Amendment applies only to suits against a State by citizens of another State, our cases have extended the Amendment’s applicability to suits by citizens against their own States. See *Kimel v. Florida Bd. of Regents*, 528 U. S. 62, 72–73 (2000); *College Savings Bank v. Florida Prepaid Postsecondary Ed. Expense Bd.*, 527 U. S. 666, 669–670 (1999); *Seminole Tribe of Fla. v. Florida*, 517 U. S. 44, 54 (1996); *Hans v. Louisiana*, 134 U. S. 1, 15 (1890). The ultimate guarantee of the Eleventh Amendment is that nonconsenting States may not be sued by private individuals in federal court. See *Kimel, supra*, at 73.

We have recognized, however, that Congress may abrogate the States’ Eleventh Amendment immunity when it both unequivocally intends to do so and “act[s] pursuant to a valid grant of constitutional authority.” 528 U. S., at 73. The first of these requirements is not in dispute here. See 42 U. S. C. §12202 (“A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in [a] Federal or State court of competent jurisdiction for a violation of this chapter”). The question, then, is whether Congress acted within its constitutional authority by subjecting the States to suits in federal court for money damages under the ADA.

Congress may not, of course, base its abrogation of the States’ Eleventh Amendment immunity upon the powers enumerated in Article I. See *Kimel, supra*, at 79 (“Under our firmly established precedent then, if the [Age Discrimination in Employment Act of 1967] rests solely on Congress’ Article I commerce power, the private petitioners in today’s cases cannot maintain their suits against

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their state employers”); *Seminole Tribe, supra*, at 72–73 (“The Eleventh Amendment restricts the judicial power under Article III, and Article I cannot be used to circumvent the constitutional limitations placed upon federal jurisdiction”); *College Savings Bank, supra*, at 672; *Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, 527 U. S. 627, 636 (1999); *Alden v. Maine*, 527 U. S. 706, 730–733 (1999). In *Fitzpatrick v. Bitzer*, 427 U. S. 445 (1976), however, we held that “the Eleventh Amendment, and the principle of state sovereignty which it embodies, are necessarily limited by the enforcement provisions of §5 of the Fourteenth Amendment.” *Id.*, at 456 (internal citation omitted). As a result, we concluded, Congress may subject nonconsenting States to suit in federal court when it does so pursuant to a valid exercise of its §5 power. See *ibid.* Our cases have adhered to this proposition. See, e.g., *Kimel, supra*, at 80. Accordingly, the ADA can apply to the States only to the extent that the statute is appropriate §5 legislation.³

Section 1 of the Fourteenth Amendment provides, in relevant part:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Section 5 of the Fourteenth Amendment grants Congress the power to enforce the substantive guarantees contained in §1 by enacting “appropriate legislation.” See *City of Boerne v. Flores*, 521 U. S. 507, 536 (1997). Congress is not limited to mere legislative repetition of this Court’s constitu-

³It is clear that Congress intended to invoke §5 as one of its bases for enacting the ADA. See 42 U. S. C. §12101(b)(4).

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tional jurisprudence. “Rather, Congress’ power ‘to enforce’ the Amendment includes the authority both to remedy and to deter violation of rights guaranteed thereunder by prohibiting a somewhat broader swath of conduct, including that which is not itself forbidden by the Amendment’s text.” *Kimel, supra*, at 81; *City of Boerne, supra*, at 536.

City of Boerne also confirmed, however, the long-settled principle that it is the responsibility of this Court, not Congress, to define the substance of constitutional guarantees. 521 U. S., at 519–524. Accordingly, §5 legislation reaching beyond the scope of §1’s actual guarantees must exhibit “congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end.” *Id.*, at 520.

II

The first step in applying these now familiar principles is to identify with some precision the scope of the constitutional right at issue. Here, that inquiry requires us to examine the limitations §1 of the Fourteenth Amendment places upon States’ treatment of the disabled. As we did last Term in *Kimel*, see 528 U. S., at 83, we look to our prior decisions under the Equal Protection Clause dealing with this issue.

In *Cleburne v. Cleburne Living Center, Inc.*, 473 U. S. 432 (1985), we considered an equal protection challenge to a city ordinance requiring a special use permit for the operation of a group home for the mentally retarded. The specific question before us was whether the Court of Appeals had erred by holding that mental retardation qualified as a “quasi-suspect” classification under our equal protection jurisprudence. *Id.*, at 435. We answered that question in the affirmative, concluding instead that such legislation incurs only the minimum “rational-basis”

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review applicable to general social and economic legislation.⁴ *Id.*, at 446. In a statement that today seems quite prescient, we explained that

“if the large and amorphous class of the mentally retarded were deemed quasi-suspect for the reasons given by the Court of Appeals, it would be difficult to find a principled way to distinguish a variety of other groups who have perhaps immutable disabilities setting them off from others, who cannot themselves mandate the desired legislative responses, and who can claim some degree of prejudice from at least part of the public at large. One need mention in this respect only the aging, the disabled, the mentally ill, and the infirm. We are reluctant to set out on that course, and we decline to do so.” *Id.*, at 445–446.

Under rational-basis review, where a group possesses “distinguishing characteristics relevant to interests the State has the authority to implement,” a State’s decision to act on the basis of those differences does not give rise to a constitutional violation. *Id.*, at 441. “Such a classification cannot run afoul of the Equal Protection Clause if there is a rational relationship between the disparity of treatment and some legitimate governmental purpose.” *Heller v. Doe*, 509 U. S. 312, 320 (1993) (citing *Nordlinger v. Hahn*, 505 U. S. 1 (1992); *New Orleans v. Dukes*, 427 U. S. 297, 303 (1976) (*per curiam*)). Moreover, the State need not

⁴Applying the basic principles of rationality review, *Cleburne* struck down the city ordinance in question. 473 U. S., at 447–450. The Court’s reasoning was that the city’s purported justifications for the ordinance made no sense in light of how the city treated other groups similarly situated in relevant respects. Although the group home for the mentally retarded was required to obtain a special use permit, apartment houses, other multiple-family dwellings, retirement homes, nursing homes, sanitariums, hospitals, boarding houses, fraternity and sorority houses, and dormitories were not subject to the ordinance. See *ibid.*

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articulate its reasoning at the moment a particular decision is made. Rather, the burden is upon the challenging party to negative “any reasonably conceivable state of facts that could provide a rational basis for the classification.” *Heller*, *supra*, at 320 (quoting *FCC v. Beach Communications, Inc.*, 508 U. S. 307, 313 (1993)).

JUSTICE BREYER suggests that *Cleburne* stands for the broad proposition that state decisionmaking reflecting “negative attitudes” or “fear” necessarily runs afoul of the Fourteenth Amendment. See *post*, at 5 (dissenting opinion) (quoting *Cleburne*, 473 U. S., at 448). Although such biases may often accompany irrational (and therefore unconstitutional) discrimination, their presence alone does not a constitutional violation make. As we noted in *Cleburne*: “[M]ere negative attitudes, or fear, *unsubstantiated by factors which are properly cognizable* in a zoning proceeding, are not permissible bases for treating a home for the mentally retarded differently” *Id.*, at 448 (emphasis added). This language, read in context, simply states the unremarkable and widely acknowledged tenet of this Court’s equal protection jurisprudence that state action subject to rational-basis scrutiny does not violate the Fourteenth Amendment when it “rationally furthers the purpose identified by the State.” *Massachusetts Bd. of Retirement v. Murgia*, 427 U. S. 307, 314 (1976) (*per curiam*).

Thus, the result of *Cleburne* is that States are not required by the Fourteenth Amendment to make special accommodations for the disabled, so long as their actions towards such individuals are rational. They could quite hard headedly— and perhaps hardheartedly— hold to job-qualification requirements which do not make allowance for the disabled. If special accommodations for the disabled are to be required, they have to come from positive

law and not through the Equal Protection Clause.⁵

III

Once we have determined the metes and bounds of the constitutional right in question, we examine whether Congress identified a history and pattern of unconstitutional employment discrimination by the States against the disabled. Just as §1 of the Fourteenth Amendment applies only to actions committed “under color of state law,” Congress’ §5 authority is appropriately exercised only in response to state transgressions. See *Florida Prepaid*, 527 U. S., at 640 (“It is this conduct then— unremedied patent infringement by the States— that must give rise to the Fourteenth Amendment violation that Congress sought to redress in the Patent Remedy Act”); *Kimel*, 528 U. S., at 89 (“Congress never identified any pattern of age discrimination by the States, much less any discrimination whatsoever that rose to the level of constitutional violation”). The legislative record of the ADA, however, simply fails to show that Congress did in fact identify a pattern of irrational state discrimination in employment against the disabled.

Respondents contend that the inquiry as to unconstitutional discrimination should extend not only to States themselves, but to units of local governments, such as cities and counties. All of these, they say, are “state actors” for purposes of the Fourteenth Amendment. Brief for

⁵It is worth noting that by the time that Congress enacted the ADA in 1990, every State in the Union had enacted such measures. At least one Member of Congress remarked that “this is probably one of the few times where the States are so far out in front of the Federal Government, it’s not funny.” Hearing on Discrimination Against Cancer Victims and the Handicapped before the Subcommittee on Employment Opportunities of the House Committee on Education and Labor, 100th Cong., 1st Sess., 5 (1987). A number of these provisions, however, did not go as far as the ADA did in requiring accommodation.

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Respondents 8. This is quite true, but the Eleventh Amendment does not extend its immunity to units of local government. See *Lincoln County v. Luning*, 133 U. S. 529, 530 (1890). These entities are subject to private claims for damages under the ADA without Congress' ever having to rely on §5 of the Fourteenth Amendment to render them so. It would make no sense to consider constitutional violations on their part, as well as by the States themselves, when only the States are the beneficiaries of the Eleventh Amendment.

Congress made a general finding in the ADA that "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." 42 U. S. C. §12101(a)(2). The record assembled by Congress includes many instances to support such a finding. But the great majority of these incidents do not deal with the activities of States.

Respondents in their brief cite half a dozen examples from the record that did involve States. A department head at the University of North Carolina refused to hire an applicant for the position of health administrator because he was blind; similarly, a student at a state university in South Dakota was denied an opportunity to practice teach because the dean at that time was convinced that blind people could not teach in public schools. A microfilmer at the Kansas Department of Transportation was fired because he had epilepsy; deaf workers at the University of Oklahoma were paid a lower salary than those who could hear. The Indiana State Personnel Office informed a woman with a concealed disability that she should not disclose it if she wished to obtain employment.⁶

⁶The record does show that some States, adopting the tenets of the

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Several of these incidents undoubtedly evidence an unwillingness on the part of state officials to make the sort of accommodations for the disabled required by the ADA. Whether they were irrational under our decision in *Cleburne* is more debatable, particularly when the incident is described out of context. But even if it were to be determined that each incident upon fuller examination showed unconstitutional action on the part of the State, these incidents taken together fall far short of even suggesting the pattern of unconstitutional discrimination on which §5 legislation must be based. See *Kimel*, 528 U. S., at 89–91; *City of Boerne*, 521 U. S., at 530–531. Congress, in enacting the ADA, found that “some 43,000,000 Americans have one or more physical or mental disabilities.” 42 U. S. C. §12101(a)(1). In 1990, the States alone employed more than 4.5 million people. U. S. Dept. of Commerce, Bureau of Census, Statistical Abstract of the United States 338 (119th ed. 1999) (Table 534). It is telling, we think, that given these large numbers, Congress assembled only such minimal evidence of unconstitutional state discrimination in employment against the disabled.

JUSTICE BREYER maintains that Congress applied Title I of the ADA to the States in response to a host of incidents representing unconstitutional state discrimination in employment against persons with disabilities. A close review of the relevant materials, however, undercuts that conclusion. JUSTICE BREYER’s Appendix C consists not of legislative findings, but of unexamined, anecdotal accounts of “adverse, disparate treatment by state officials.”

eugenics movement of the early part of this century, required extreme measures such as sterilization of persons suffering from hereditary mental disease. These laws were upheld against constitutional attack 70 years ago in *Buck v. Bell*, 274 U. S. 200 (1927). But there is no indication that any State had persisted in requiring such harsh measures as of 1990 when the ADA was adopted.

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Post, at 3. Of course, as we have already explained, “adverse, disparate treatment” often does not amount to a constitutional violation where rational-basis scrutiny applies. These accounts, moreover, were submitted not directly to Congress but to the Task Force on the Rights and Empowerment of Americans with Disabilities, which made no findings on the subject of state discrimination in employment.⁷ See the Task Force’s Report entitled *From ADA to Empowerment* (Oct. 12, 1990). And, had Congress truly understood this information as reflecting a pattern of unconstitutional behavior by the States, one would expect some mention of that conclusion in the Act’s legislative findings. There is none. See 42 U. S. C. §12101. Although JUSTICE BREYER would infer from Congress’ general conclusions regarding societal discrimination against the disabled that the States had likewise participated in such action, *post*, at 3, the House and Senate committee reports on the ADA flatly contradict this assertion. After describing the evidence presented to the Senate Committee on Labor and Human Resources and its subcommittee (including the Task Force Report upon which the dissent relies), the Committee’s report reached, among others, the following conclusion: “Discrimination still persists in such critical areas as *employment in the private sector*, public accommodations, public services, transportation, and telecommunications.” S. Rep. No. 101–116, p. 6 (1989) (emphasis added). The House Committee on Education

⁷ Only a small fraction of the anecdotes JUSTICE BREYER identifies in his Appendix C relate to state discrimination against the disabled in employment. At most, somewhere around 50 of these allegations describe conduct that could conceivably amount to constitutional violations by the States, and most of them are so general and brief that no firm conclusion can be drawn. The overwhelming majority of these accounts pertain to alleged discrimination by the States in the provision of public services and public accommodations, which areas are addressed in Titles II and III of the ADA.

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and Labor, addressing the ADA's employment provisions, reached the same conclusion: "[A]fter extensive review and analysis over a number of Congressional sessions, . . . there exists a compelling need to establish a clear and comprehensive Federal prohibition of discrimination on the basis of disability in the areas of *employment in the private sector*, public accommodations, public services, transportation, and telecommunications." H. R. Rep. No. 101-485, pt. 2 p. 28 (1990) (emphasis added). Thus, not only is the inference JUSTICE BREYER draws unwarranted, but there is also strong evidence that Congress' failure to mention States in its legislative findings addressing discrimination in employment reflects that body's judgment that no pattern of unconstitutional state action had been documented.

Even were it possible to squeeze out of these examples a pattern of unconstitutional discrimination by the States, the rights and remedies created by the ADA against the States would raise the same sort of concerns as to congruence and proportionality as were found in *City of Boerne*, *supra*. For example, whereas it would be entirely rational (and therefore constitutional) for a state employer to conserve scarce financial resources by hiring employees who are able to use existing facilities, the ADA requires employers to "mak[e] existing facilities used by employees readily accessible to and usable by individuals with disabilities." 42 U. S. C. §§12112(5)(B), 12111(9). The ADA does except employers from the "reasonable accommodatio[n]" requirement where the employer "can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity." §12112(b)(5)(A). However, even with this exception, the accommodation duty far exceeds what is constitutionally required in that it makes unlawful a range of alternate responses that would be reasonable but would fall short of imposing an "undue burden" upon the employer. The Act

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also makes it the employer's duty to prove that it would suffer such a burden, instead of requiring (as the Constitution does) that the complaining party negate reasonable bases for the employer's decision. See *ibid.*

The ADA also forbids "utilizing standards, criteria, or methods of administration" that disparately impact the disabled, without regard to whether such conduct has a rational basis. §12112(b)(3)(A). Although disparate impact may be relevant evidence of racial discrimination, see *Washington v. Davis*, 426 U. S. 229, 239 (1976), such evidence alone is insufficient even where the Fourteenth Amendment subjects state action to strict scrutiny. See, e.g., *ibid.* ("[O]ur cases have not embraced the proposition that a law or other official act, without regard to whether it reflects a racially discriminatory purpose, is unconstitutional *solely* because it has a racially disproportionate impact").

The ADA's constitutional shortcomings are apparent when the Act is compared to Congress' efforts in the Voting Rights Act of 1965 to respond to a serious pattern of constitutional violations. In *South Carolina v. Katzenbach*, 383 U. S. 301 (1966), we considered whether the Voting Rights Act was "appropriate" legislation to enforce the Fifteenth Amendment's protection against racial discrimination in voting. Concluding that it was a valid exercise of Congress' enforcement power under §2 of the Fifteenth Amendment,⁸ we noted that "[b]efore enacting the measure, Congress explored with great care the problem of racial discrimination in voting." *Id.*, at 308.

In that Act, Congress documented a marked pattern of unconstitutional action by the States. State officials, Congress found, routinely applied voting tests in order to

⁸Section 2 of the Fifteenth Amendment is virtually identical to §5 of the Fourteenth Amendment.

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exclude African-American citizens from registering to vote. See *id.*, at 312. Congress also determined that litigation had proved ineffective and that there persisted an otherwise inexplicable 50-percentage-point gap in the registration of white and African-American voters in some States. See *id.*, at 313. Congress' response was to promulgate in the Voting Rights Act a detailed but limited remedial scheme designed to guarantee meaningful enforcement of the Fifteenth Amendment in those areas of the Nation where abundant evidence of States' systematic denial of those rights was identified.

The contrast between this kind of evidence, and the evidence that Congress considered in the present case, is stark. Congressional enactment of the ADA represents its judgment that there should be a "comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U. S. C. §12101(b)(1). Congress is the final authority as to desirable public policy, but in order to authorize private individuals to recover money damages against the States, there must be a pattern of discrimination by the States which violates the Fourteenth Amendment, and the remedy imposed by Congress must be congruent and proportional to the targeted violation. Those requirements are not met here, and to uphold the Act's application to the States would allow Congress to rewrite the Fourteenth Amendment law laid down by this Court in *Cleburne*.⁹ Section 5 does not so

⁹Our holding here that Congress did not validly abrogate the States' sovereign immunity from suit by private individuals for money damages under Title I does not mean that persons with disabilities have no federal recourse against discrimination. Title I of the ADA still prescribes standards applicable to the States. Those standards can be enforced by the United States in actions for money damages, as well as by private individuals in actions for injunctive relief under *Ex parte Young*, 209 U. S. 123 (1908). In addition, state laws protecting the rights of persons with disabilities in employment and other aspects of life

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broadly enlarge congressional authority. The judgment of the Court of Appeals is therefore

Reversed.

provide independent avenues of redress. See n. 5, *supra*.