

# Calendar No. 506

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2781

[Report No. 111-244]

To change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2009

Ms. MIKULSKI (for herself, Mr. ENZI, Mr. HARKIN, Mr. BROWN of Ohio, Mr. CARDIN, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. GREGG, Mr. THUNE, Mr. DODD, Ms. LANDRIEU, Mr. JOHANNNS, Mrs. MURRAY, Mrs. SHAHEEN, Mr. BEGICH, Ms. SNOWE, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Ms. STABENOW, Mrs. HAGAN, Mr. LAUTENBERG, Mr. KIRK, Mr. MERKLEY, Mrs. FEINSTEIN, Mrs. HUTCHISON, Ms. COLLINS, Mr. KERRY, Mr. MENENDEZ, Mr. BAYH, Mr. CASEY, Mrs. BOXER, Ms. MURKOWSKI, Mr. LEVIN, Mr. FRANKEN, Mr. AKAKA, Mr. JOHNSON, Mr. DORGAN, Mr. WARNER, Mr. BURRIS, Mr. REED, Mr. SANDERS, Mr. BENNET, Mr. BINGAMAN, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

AUGUST 3, 2010

Reported by Mr. HARKIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To change references in Federal law to mental retardation to references to an intellectual disability, and change

references to a mentally retarded individual to references to an individual with an intellectual disability.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as “Rosa’s Law”.

5 **SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.**

6        (a) HIGHER EDUCATION ACT OF 1965.—Section  
 7 760(2)(A) of the Higher Education Act of 1965 (20  
 8 U.S.C. 1140(2)(A)) is amended by striking “with mental  
 9 retardation or”.

10        (b) INDIVIDUALS WITH DISABILITIES EDUCATION  
 11 ACT.—

12            (1) Section 601(c)(12)(C) of the Individuals  
 13 with Disabilities Education Act (20 U.S.C.  
 14 1400(c)(12)(C)) is amended by striking “having  
 15 mental retardation” and inserting “having intellec-  
 16 tual disabilities”.

17            (2) Section 602 of such Act (20 U.S.C. 1401)  
 18 is amended—

19                    (A) in paragraph (3)(A)(i), by striking  
 20 “with mental retardation” and inserting “with  
 21 intellectual disabilities”; and

22                    (B) in paragraph (3)(C), by striking “of  
 23 mental retardation” and inserting “of intellec-  
 24 tual disabilities”.

1       (c) ~~ELEMENTARY AND SECONDARY EDUCATION ACT~~  
2 ~~OF 1965.~~—Section 7202(16)(E) of the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C.  
4 7512(16)(E)) is amended by striking “mild mental retar-  
5 dation,” and inserting “mild intellectual disabilities,”.

6       (d) ~~REHABILITATION ACT OF 1973.~~—

7           (1) Section 7(21)(A)(iii) of the Rehabilitation  
8 Act of 1973 (29 U.S.C. 705(21)(A)(iii)) is amended  
9 by striking “mental retardation,” and inserting “in-  
10 tellectual disability,”.

11           (2) Section 204(b)(2)(C)(vi) of such Act (29  
12 U.S.C. 764(b)(2)(C)(vi)) is amended by striking  
13 “mental retardation and other developmental disabil-  
14 ities” and inserting “intellectual disabilities and  
15 other developmental disabilities”.

16           (3) Section 501(a) of such Act (29 U.S.C.  
17 791(a)) is amended, in the third sentence, by strik-  
18 ing “President’s Committees on Employment of Peo-  
19 ple With Disabilities and on Mental Retardation”  
20 and inserting “President’s Committee on Employ-  
21 ment of People with Disabilities and the President’s  
22 Committee for People with Intellectual Disabilities”.

23       (e) ~~HEALTH RESEARCH AND HEALTH SERVICES~~  
24 ~~AMENDMENTS OF 1976.~~—Section 1001 of the Health Re-  
25 search and Health Services Amendments of 1976 (42

1 U.S.C. 217a-1) is amended by striking “the Mental Re-  
2 tardation Facilities and Community Mental Health Cen-  
3 ters Construction Act of 1963,”.

4 (f) PUBLIC HEALTH SERVICE ACT.—

5 (1) Section 317C(a)(4)(B)(i) of the Public  
6 Health Service Act (42 U.S.C. 247b-4(a)(4)(B)(i))  
7 is amended by striking “mental retardation;” and  
8 inserting “intellectual disabilities;”.

9 (2) Section 448 of such Act (42 U.S.C. 285g)  
10 is amended by striking “mental retardation;” and  
11 inserting “intellectual disabilities;”.

12 (3) Section 450 of such Act (42 U.S.C. 285g-  
13 2) is amended to read as follows:

14 **“SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.**

15 “The Director of the Institute shall conduct and sup-  
16 port research and related activities into the causes, pre-  
17 vention, and treatment of intellectual disabilities.”.

18 (4) Section 641(a) of such Act (42 U.S.C.  
19 291k(a)) is amended by striking “matters relating to  
20 the mentally retarded” and inserting “matters relat-  
21 ing to individuals with intellectual disabilities”.

22 (5) Section 753(b)(2)(E) of such Act (42  
23 U.S.C. 294e(b)(2)(E)) is amended by striking “el-  
24 derly mentally retarded individuals” and inserting  
25 “elderly individuals with intellectual disabilities”.

1           (6) Section ~~1252(f)(3)(E)~~ of such Act (42  
2           U.S.C. ~~300d-52(f)(3)(E)~~) is amended by striking  
3           “~~mental retardation/developmental disorders,~~” and  
4           inserting “~~intellectual disabilities or developmental~~  
5           ~~disorders,~~”.

6           (g) HEALTH PROFESSIONS EDUCATION PARTNER-  
7           SHIPS ACT OF 1998.—Section 419(b)(1) of the Health  
8           Professions Education Partnerships Act of 1998 (42  
9           U.S.C. 280f note) is amended by striking “~~mental retarda-~~  
10          ~~tion~~” and inserting “~~intellectual disabilities~~”.

11          (h) PUBLIC LAW 110-154.—Section 1(a)(2)(B) of  
12          Public Law 110-154 (42 U.S.C. 285g note) is amended  
13          by striking “~~mental retardation~~” and inserting “~~intellec-~~  
14          ~~tual disabilities~~”.

15          (i) NATIONAL SICKLE CELL ANEMIA, COOLEY’S  
16          ANEMIA, TAY-SACHS, AND GENETIC DISEASES ACT.—  
17          Section 402 of the National Sickle Cell Anemia, Cooley’s  
18          Anemia, Tay-Sachs, and Genetic Diseases Act (42 U.S.C.  
19          ~~300b-1~~ note) is amended by striking “~~leading to mental~~  
20          ~~retardation~~” and inserting “~~leading to intellectual disabil-~~  
21          ~~ities~~”.

22          (j) GENETIC INFORMATION NONDISCRIMINATION  
23          ACT OF 2008.—Section 2(2) of the Genetic Information  
24          Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note)

1 is amended by striking “mental retardation,” and insert-  
 2 ing “intellectual disabilities”.

3 (k) DEVELOPMENTAL DISABILITIES ASSISTANCE  
 4 AND BILL OF RIGHTS ACT OF 2000.—

5 (1) Section 109(a)(4)(B)(i) of the Develop-  
 6 mental Disabilities Assistance and Bill of Rights Act  
 7 of 2000 (42 U.S.C. 15009(a)(4)(B)(i)) is amended  
 8 by striking “the mentally retarded” and inserting  
 9 “individuals with intellectual disabilities”.

10 (2) Sections 124(e)(3)(C)(vii) and 143(a)(3)(A)  
 11 of such Act (42 U.S.C. 15024(e)(3)(C)(vii);  
 12 15043(a)(3)(A)) are amended—

13 (A) by striking “(a)(30)(C)” each place it  
 14 appears and inserting “(a)(31)”; and

15 (B) by striking “Intermediate Care Facil-  
 16 ity (Mental Retardation)” and inserting “inter-  
 17 mediate care facility described in that section”.

18 (l) REFERENCES.—For purposes of each provision  
 19 amended by this section—

20 (1) a reference to an intellectual disability shall  
 21 be considered to refer to mental retardation, as de-  
 22 fined for that provision on the day before the date  
 23 of enactment of this Act; and

24 (2) a reference to individuals with intellectual  
 25 disabilities shall be considered to refer to the men-

1       tally retarded, or individuals who are mentally re-  
2       tarded, as defined for that provision on that day.

3 **SEC. 3. REGULATIONS.**

4       For purposes of regulations issued to carry out a pro-  
5 vision amended by this Act—

6           (1) before the regulations are amended to carry  
7 out this Act—

8           (A) a reference in the regulations to men-  
9 tal retardation shall be considered to be a ref-  
10 erence to an intellectual disability; and

11           (B) a reference in the regulations to the  
12 mentally retarded, or individuals who are men-  
13 tally retarded, shall be considered to be a ref-  
14 erence to individuals with intellectual disabil-  
15 ities; and

16           (2) in amending the regulations to carry out  
17 this Act, a Federal agency shall ensure that the reg-  
18 ulations clearly state—

19           (A) that an intellectual disability was for-  
20 merly termed mental retardation; and

21           (B) that individuals with intellectual dis-  
22 abilities were formerly termed individuals who  
23 are mentally retarded.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2       Nothing in this Act shall be construed to alter or oth-  
 3 erwise affect the eligibility for services or the rights or re-  
 4 sponsibilities, under a provision amended by this Act, of  
 5 individuals covered by the provision on the day before the  
 6 date of enactment of this Act.

7 **SECTION 1. SHORT TITLE.**

8       *This Act may be cited as “Rosa’s Law”.*

9 **SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.**

10       (a) *HIGHER EDUCATION ACT OF 1965.*—Section  
 11 760(2)(A) of the Higher Education Act of 1965 (20 U.S.C.  
 12 1140(2)(A)) is amended by striking “mental retardation  
 13 or”.

14       (b) *INDIVIDUALS WITH DISABILITIES EDUCATION*  
 15 *ACT.*—

16               (1) *Section 601(c)(12)(C) of the Individuals with*  
 17 *Disabilities Education Act (20 U.S.C.*  
 18 *1400(c)(12)(C)) is amended by striking “having men-*  
 19 *tal retardation” and inserting “having intellectual*  
 20 *disabilities”.*

21               (2) *Section 602 of such Act (20 U.S.C. 1401) is*  
 22 *amended—*

23                       (A) *in paragraph (3)(A)(i), by striking*  
 24 *“with mental retardation” and inserting “with*  
 25 *intellectual disabilities”; and*

1                   (B) in paragraph (30)(C), by striking “of  
2                   mental retardation” and inserting “of intellec-  
3                   tual disabilities”.

4           (c) *ELEMENTARY AND SECONDARY EDUCATION ACT OF*  
5 *1965.*—Section 7202(16)(E) of the *Elementary and Sec-*  
6 *ondary Education Act of 1965 (20 U.S.C. 7512(16)(E))* is  
7 *amended by striking “mild mental retardation,” and in-*  
8 *serting “mild intellectual disabilities,”.*

9           (d) *REHABILITATION ACT OF 1973.*—

10           (1) Section 7(21)(A)(iii) of the *Rehabilitation*  
11 *Act of 1973 (29 U.S.C. 705(21)(A)(iii))* is amended  
12 *by striking “mental retardation,” and inserting “in-*  
13 *tellectual disability,”.*

14           (2) Section 204(b)(2)(C)(vi) of such Act (29  
15 *U.S.C. 764(b)(2)(C)(vi))* is amended by striking  
16 *“mental retardation and other developmental disabil-*  
17 *ities” and inserting “intellectual disabilities and*  
18 *other developmental disabilities”.*

19           (3) Section 501(a) of such Act (29 U.S.C.  
20 *791(a))* is amended, in the third sentence, by striking  
21 *“President’s Committees on Employment of People*  
22 *With Disabilities and on Mental Retardation” and*  
23 *inserting “President’s Disability Employment Part-*  
24 *nership Board and the President’s Committee for Peo-*  
25 *ple with Intellectual Disabilities”.*

1       (e) *HEALTH RESEARCH AND HEALTH SERVICES*  
 2 *AMENDMENTS OF 1976.*—Section 1001 of the Health Re-  
 3 search and Health Services Amendments of 1976 (42 U.S.C.  
 4 217a-1) is amended by striking “the Mental Retardation  
 5 Facilities and Community Mental Health Centers Con-  
 6 struction Act of 1963,”.

7       (f) *PUBLIC HEALTH SERVICE ACT.*—

8           (1) Section 317C(a)(4)(B)(i) of the Public  
 9 Health Service Act (42 U.S.C. 247b-4(a)(4)(B)(i)) is  
 10 amended by striking “mental retardation;” and in-  
 11 sserting “intellectual disabilities;”.

12           (2) Section 448 of such Act (42 U.S.C. 285g) is  
 13 amended by striking “mental retardation,” and in-  
 14 sserting “intellectual disabilities,”.

15           (3) Section 450 of such Act (42 U.S.C. 285g-2)  
 16 is amended to read as follows:

17 **“SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.**

18       *“The Director of the Institute shall conduct and sup-  
 19 port research and related activities into the causes, preven-  
 20 tion, and treatment of intellectual disabilities.”.*

21           (4) Section 641(a) of such Act (42 U.S.C.  
 22 291k(a)) is amended by striking “matters relating to  
 23 the mentally retarded” and inserting “matters relat-  
 24 ing to individuals with intellectual disabilities”.

1           (5) *Section 753(b)(2)(E) of such Act (42 U.S.C.*  
2           *294c(b)(2)(E)) is amended by striking “elderly men-*  
3           *tally retarded individuals” and inserting “elderly in-*  
4           *dividuals with intellectual disabilities”.*

5           (6) *Section 1252(f)(3)(E) of such Act (42 U.S.C.*  
6           *300d–52(f)(3)(E)) is amended by striking “mental re-*  
7           *tardation/developmental disorders,” and inserting*  
8           *“intellectual disabilities or developmental disorders,”.*

9           (g) *HEALTH PROFESSIONS EDUCATION PARTNER-*  
10          *SHIPS ACT OF 1998.—Section 419(b)(1) of the Health Pro-*  
11          *fessions Education Partnerships Act of 1998 (42 U.S.C.*  
12          *280f note) is amended by striking “mental retardation” and*  
13          *inserting “intellectual disabilities”.*

14          (h) *PUBLIC LAW 110–154.—Section 1(a)(2)(B) of*  
15          *Public Law 110–154 (42 U.S.C. 285g note) is amended by*  
16          *striking “mental retardation” and inserting “intellectual*  
17          *disabilities”.*

18          (i) *NATIONAL SICKLE CELL ANEMIA, COOLEY’S ANE-*  
19          *MIA, TAY-SACHS, AND GENETIC DISEASES ACT.—Section*  
20          *402 of the National Sickle Cell Anemia, Cooley’s Anemia,*  
21          *Tay-Sachs, and Genetic Diseases Act (42 U.S.C. 300b–1*  
22          *note) is amended by striking “leading to mental retarda-*  
23          *tion” and inserting “leading to intellectual disabilities”.*

24          (j) *GENETIC INFORMATION NONDISCRIMINATION ACT*  
25          *OF 2008.—Section 2(2) of the Genetic Information Non-*

1 *discrimination Act of 2008 (42 U.S.C. 2000ff note) is*  
2 *amended by striking “mental retardation,” and inserting*  
3 *“intellectual disabilities,”.*

4 (k) *REFERENCES.—For purposes of each provision*  
5 *amended by this section—*

6 (1) *a reference to “an intellectual disability”*  
7 *shall mean a condition previously referred to as*  
8 *“mental retardation”, or a variation of this term,*  
9 *and shall have the same meaning with respect to pro-*  
10 *grams, or qualifications for programs, for individuals*  
11 *with such a condition; and*

12 (2) *a reference to individuals with intellectual*  
13 *disabilities shall mean individuals who were pre-*  
14 *viously referred to as individuals who are “individ-*  
15 *uals with mental retardation” or “the mentally re-*  
16 *tarded”, or variations of those terms.*

17 **SEC. 3. REGULATIONS.**

18 *For purposes of regulations issued to carry out a pro-*  
19 *vision amended by this Act—*

20 (1) *before the regulations are amended to carry*  
21 *out this Act—*

22 (A) *a reference in the regulations to mental*  
23 *retardation shall be considered to be a reference*  
24 *to an intellectual disability; and*

1           (B) a reference in the regulations to the  
2           mentally retarded, or individuals who are men-  
3           tally retarded, shall be considered to be a ref-  
4           erence to individuals with intellectual disabili-  
5           ties; and

6           (2) in amending the regulations to carry out this  
7           Act, a Federal agency shall ensure that the regula-  
8           tions clearly state—

9                   (A) that an intellectual disability was for-  
10                   merly termed mental retardation; and

11                   (B) that individuals with intellectual dis-  
12                   abilities were formerly termed individuals who  
13                   are mentally retarded.

14 **SEC. 4. RULE OF CONSTRUCTION.**

15           This Act shall be construed to make amendments to  
16           provisions of Federal law to substitute the term “an intellec-  
17           tual disability” for “mental retardation”, and “individuals  
18           with intellectual disabilities” for “the mentally retarded”  
19           or “individuals who are mentally retarded”, without any  
20           intent to—

21                   (1) change the coverage, eligibility, rights, re-  
22                   sponsibilities, or definitions referred to in the amend-  
23                   ed provisions; or

1           (2) *compel States to change terminology in State*  
2           *laws for individuals covered by a provision amended*  
3           *by this Act.*



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## **A BILL**

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AUGUST 3, 2010

Reported with an amendment