

111TH CONGRESS
2D SESSION

H. R. 4544

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2010

Mr. McMAHON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 the “Elizabeth A. Connelly
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Honorable Elizabeth A. Connelly was
2 elected to the New York State Assembly in 1973 as
3 the first woman from Staten Island, New York,
4 elected to public office.

5 (2) Ms. Connelly retired in 2000 making her
6 the longest serving female legislator in the history of
7 New York State.

8 (3) Through her work on the New York State
9 Assembly Mental Health, Mental Retardation, De-
10 velopmental Disabilities, Alcoholism, and Substance
11 Abuse Committee, Elizabeth A. Connelly was a
12 champion for individuals with intellectual and other
13 developmental disabilities.

14 (4) As an Assemblywoman, Ms. Connelly was
15 instrumental in securing funds for mental health
16 programs and in creating the New York State Com-
17 mission on Quality of Care for the Mentally Dis-
18 abled.

19 (5) She worked together with parents, advo-
20 cates, and government leaders to make New York
21 State a leader in providing high-quality services and
22 programs for individuals with intellectual and other
23 developmental disabilities.

24 (6) Ms. Connelly was known as the “guardian
25 angel of the mentally disabled” in New York State.

1 (7) Her personal commitment and leadership
2 helped redefine how individuals with intellectual and
3 other developmental disabilities are treated today
4 throughout the United States.

5 **SEC. 3. 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. 294c(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(c)(3)(C)(vii) and 143(a)(3)(A)
 11 of such Act (42 U.S.C. 15024(c)(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. 4. 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. 5. 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.

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