

111TH CONGRESS  
1ST SESSION

# S. 2781

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, Mr. CARDIN, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. GREGG, Mr. THUNE, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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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

1 U.S.C. 1140(2)(A)) is amended by striking “with mental  
2 retardation or”.

3 (b) INDIVIDUALS WITH DISABILITIES EDUCATION  
4 ACT.—

5 (1) Section 601(c)(12)(C) of the Individuals  
6 with Disabilities Education Act (20 U.S.C.  
7 1400(c)(12)(C)) is amended by striking “having  
8 mental retardation” and inserting “having intellec-  
9 tual disabilities”.

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

12 (A) in paragraph (3)(A)(i), by striking  
13 “with mental retardation” and inserting “with  
14 intellectual disabilities”; and

15 (B) in paragraph (3)(C), by striking “of  
16 mental retardation” and inserting “of intellec-  
17 tual disabilities”.

18 (c) ELEMENTARY AND SECONDARY EDUCATION ACT  
19 OF 1965.—Section 7202(16)(E) of the Elementary and  
20 Secondary Education Act of 1965 (20 U.S.C.  
21 7512(16)(E)) is amended by striking “mild mental retar-  
22 dation,” and inserting “mild intellectual disabilities,”.

23 (d) REHABILITATION ACT OF 1973.—

24 (1) Section 7(21)(A)(iii) of the Rehabilitation  
25 Act of 1973 (29 U.S.C. 705(21)(A)(iii)) is amended

1 by striking “mental retardation,” and inserting “in-  
2 tellectual disability,”.

3 (2) Section 204(b)(2)(C)(vi) of such Act (29  
4 U.S.C. 764(b)(2)(C)(vi)) is amended by striking  
5 “mental retardation and other developmental disabili-  
6 ties” and inserting “intellectual disabilities and  
7 other developmental disabilities”.

8 (3) Section 501(a) of such Act (29 U.S.C.  
9 791(a)) is amended, in the third sentence, by strik-  
10 ing “President’s Committees on Employment of Peo-  
11 ple With Disabilities and on Mental Retardation”  
12 and inserting “President’s Committee on Employ-  
13 ment of People with Disabilities and the President’s  
14 Committee for People with Intellectual Disabilities”.

15 (e) HEALTH RESEARCH AND HEALTH SERVICES  
16 AMENDMENTS OF 1976.—Section 1001 of the Health Re-  
17 search and Health Services Amendments of 1976 (42  
18 U.S.C. 217a–1) is amended by striking “the Mental Re-  
19 tardation Facilities and Community Mental Health Cen-  
20 ters Construction Act of 1963,”.

21 (f) PUBLIC HEALTH SERVICE ACT.—

22 (1) Section 317C(a)(4)(B)(i) of the Public  
23 Health Service Act (42 U.S.C. 247b–4(a)(4)(B)(i))  
24 is amended by striking “mental retardation;” and  
25 inserting “intellectual disabilities;”.

1           (2) Section 448 of such Act (42 U.S.C. 285g)  
2           is amended by striking “mental retardation,” and  
3           inserting “intellectual disabilities,”.

4           (3) Section 450 of such Act (42 U.S.C. 285g–  
5           2) is amended to read as follows:

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

7           “‘The Director of the Institute shall conduct and sup-  
8           port research and related activities into the causes, pre-  
9           vention, and treatment of intellectual disabilities.’”.

10           (4) Section 641(a) of such Act (42 U.S.C.  
11           291k(a)) is amended by striking “matters relating to  
12           the mentally retarded” and inserting “matters relat-  
13           ing to individuals with intellectual disabilities”.

14           (5) Section 753(b)(2)(E) of such Act (42  
15           U.S.C. 294c(b)(2)(E)) is amended by striking “el-  
16           derly mentally retarded individuals” and inserting  
17           “elderly individuals with intellectual disabilities”.

18           (6) Section 1252(f)(3)(E) of such Act (42  
19           U.S.C. 300d–52(f)(3)(E)) is amended by striking  
20           “mental retardation/developmental disorders,” and  
21           inserting “intellectual disabilities or developmental  
22           disorders,”.

23           (g) HEALTH PROFESSIONS EDUCATION PARTNER-  
24           SHIPS ACT OF 1998.—Section 419(b)(1) of the Health  
25           Professions Education Partnerships Act of 1998 (42

1 U.S.C. 280f note) is amended by striking “mental retarda-  
2 tion” and inserting “intellectual disabilities”.

3 (h) PUBLIC LAW 110–154.—Section 1(a)(2)(B) of  
4 Public Law 110–154 (42 U.S.C. 285g note) is amended  
5 by striking “mental retardation” and inserting “intellec-  
6 tual disabilities”.

7 (i) NATIONAL SICKLE CELL ANEMIA, COOLEY’S  
8 ANEMIA, TAY-SACHS, AND GENETIC DISEASES ACT.—  
9 Section 402 of the National Sickle Cell Anemia, Cooley’s  
10 Anemia, Tay-Sachs, and Genetic Diseases Act (42 U.S.C.  
11 300b–1 note) is amended by striking “leading to mental  
12 retardation” and inserting “leading to intellectual disabil-  
13 ities”.

14 (j) GENETIC INFORMATION NONDISCRIMINATION  
15 ACT OF 2008.—Section 2(2) of the Genetic Information  
16 Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note)  
17 is amended by striking “mental retardation,” and insert-  
18 ing “intellectual disabilities,”.

19 (k) DEVELOPMENTAL DISABILITIES ASSISTANCE  
20 AND BILL OF RIGHTS ACT OF 2000.—

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

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

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

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

9           (1) REFERENCES.—For purposes of each provision  
10 amended by this section—

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

15           (2) a reference to individuals with intellectual  
16 disabilities shall be considered to refer to the men-  
17 tally retarded, or individuals who are mentally re-  
18 tardated, as defined for that provision on that day.

19 **SEC. 3. REGULATIONS.**

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

22           (1) before the regulations are amended to carry  
23 out this Act—

1 (A) a reference in the regulations to men-  
2 tal retardation shall be considered to be a ref-  
3 erence to an intellectual disability; and

4 (B) a reference in the regulations to the  
5 mentally retarded, or individuals who are men-  
6 tally retarded, shall be considered to be a ref-  
7 erence to individuals with intellectual disabil-  
8 ities; and

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

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

14 (B) that individuals with intellectual dis-  
15 abilities were formerly termed individuals who  
16 are mentally retarded.

17 **SEC. 4. RULE OF CONSTRUCTION.**

18 Nothing in this Act shall be construed to alter or oth-  
19 erwise affect the eligibility for services or the rights or re-  
20 sponsibilities, under a provision amended by this Act, of  
21 individuals covered by the provision on the day before the  
22 date of enactment of this Act.

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