

(1) *THE HOMELAND SECURITY ACT OF 2002.*—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents by inserting after the item relating to section 524 the following:

“Sec. 525. Acceptance of gifts.”.

(2) *REPEAL.*—The matter under the heading “SALARIES AND EXPENSES” under the heading “FEDERAL LAW ENFORCEMENT TRAINING CENTER” under title IV of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 464a) is amended by striking “Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further,” and inserting “Provided.”.

Amend the title so as to read: “An Act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.”.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read the third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, (H.R. 3978), as amended, was read the third time and passed.

The title was amended so as to read: “An Act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.”.

#### ROSA'S LAW

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 506.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2781) to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committees on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

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

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

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

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

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

(B) in paragraph (30)(C), by striking “of mental retardation” and inserting “of intellectual disabilities”.

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

(d) *REHABILITATION ACT OF 1973.*—

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

(2) Section 204(b)(2)(C)(vi) of such Act (29 U.S.C. 764(b)(2)(C)(vi)) is amended by striking “mental retardation and other developmental disabilities” and inserting “intellectual disabilities and other developmental disabilities”.

(3) Section 501(a) of such Act (29 U.S.C. 791(a)) is amended, in the third sentence, by striking “President’s Committees on Employment of People With Disabilities and on Mental Retardation” and inserting “President’s Disability Employment Partnership Board and the President’s Committee for People with Intellectual Disabilities”.

(e) *HEALTH RESEARCH AND HEALTH SERVICES AMENDMENTS OF 1976.*—Section 1001 of the Health Research and Health Services Amendments of 1976 (42 U.S.C. 217a–1) is amended by striking “the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.”.

(f) *PUBLIC HEALTH SERVICE ACT.*—

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

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

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

#### “SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.

“The Director of the Institute shall conduct and support research and related activities into the causes, prevention, and treatment of intellectual disabilities.”.

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

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

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

(g) *HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998.*—Section 419(b)(1) of the Health Professions Education Partnerships Act

of 1998 (42 U.S.C. 280f note) is amended by striking “mental retardation” and inserting “intellectual disabilities”.

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

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

(j) *GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.*—Section 2(2) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note) is amended by striking “mental retardation,” and inserting “intellectual disabilities.”.

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

(1) a reference to “an intellectual disability” shall mean a condition previously referred to as “mental retardation”, or a variation of this term, and shall have the same meaning with respect to programs, or qualifications for programs, for individuals with such a condition; and

(2) a reference to individuals with intellectual disabilities shall mean individuals who were previously referred to as individuals who are “individuals with mental retardation” or “the mentally retarded”, or variations of those terms.

#### SEC. 3. REGULATIONS.

For purposes of regulations issued to carry out a provision amended by this Act—

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

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

(B) a reference in the regulations to the mentally retarded, or individuals who are mentally retarded, shall be considered to be a reference to individuals with intellectual disabilities; and

(2) in amending the regulations to carry out this Act, a Federal agency shall ensure that the regulations clearly state—

(A) that an intellectual disability was formerly termed mental retardation; and

(B) that individuals with intellectual disabilities were formerly termed individuals who are mentally retarded.

#### SEC. 4. RULE OF CONSTRUCTION.

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

(1) change the coverage, eligibility, rights, responsibilities, or definitions referred to in the amended provisions; or

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

Mr. ENZI. Mr. President, I am pleased to be here today to speak about the passage of a bill that is a top priority for the disability community—Rosa’s Law. As always, I have greatly appreciated the opportunity to work with Senator MIKULSKI on this bill. I would like to thank her for her leadership and her commitment to this issue.

The bill is simple in nature but profound in what it will do when it is enacted. Rosa’s Law will change the phrase “mentally retarded” to “an individual with an intellectual disability” in all of the laws that fall

under the jurisdiction of the Committee on Health, Education, Labor, and Pensions, HELP, without negatively impinging or expanding upon the rights, services, benefits, or educational opportunities that people with this diagnosis are entitled to. It will make a greatly needed change that should have been made well before today.

Some people will ask why this bill is so important and why it is needed. They will wonder if Congress has more important work to do than to change a few words in our laws for the sake of being politically correct. In response, I would share what Rosa's brother Nick said to the Maryland General Assembly. "What you call people is how you treat them. What you call my sister is how you will treat her. If you believe she's 'retarded' it invites taunting, stigma. It invites bullying and it also invites the slammed doors of being treated with respect and dignity."

For far too long we have used hurtful words like "mental retardation" or "MR" in our Federal statutes to refer to those who are living with intellectual disabilities. While the way people feel is important, the way people are treated is equally important. When words such as "MR" are used to describe a person, it dehumanizes them, and as Nick said, it leads to a situation in which some people are not treated with the dignity and respect they deserve.

This is not the first time Congress has taken similar action. Our laws once referred to people with intellectual disabilities with terms like "feeble minded" and other language that I cannot bear to say. Back then we thought that was the appropriate language to use until we switched to using the term "MR." Forty years later, we are taking another big step and replacing "MR" with "intellectual disability."

This change is already taking place across the country with organizations like the American Association on Intellectual and Developmental Disabilities which dropped the term "MR" from its name. Likewise, The Arc of the United States has stopped using this archaic terminology and dropped the term from their agency name. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term "Intellectual Disability" in the next publication of their manual. Internationally, the World Health Organization uses the term "intellectual disability."

This bill will start the process of change in the Federal Government and make such terminology consistent. The President's Committee on Mental Retardation was changed by executive order so it is now the Committee on Individuals with Intellectual Disabilities. The Centers for Disease Control and Prevention also uses the term "intellectual disability." After the House

passes this bill it will become law and begin a chain of events that I hope will lead to the Finance Committee's action on this matter so we can see similar changes in Medicaid and Social Security programs.

In 1963, the Reverend Dr. Martin Luther King, Jr. said, "I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." That same concept rings true for people with intellectual disabilities—that they will also be judged by who they are and not by a label that has been forced upon them. That's the beauty and simplicity of this bill—and why it is so important.

Finally, there are a number of people I would like to thank for their assistance with passing this bill out of the Senate. First, on my staff I would like to thank Frank Macchiarola, HELP Committee staff director, Greg Dean, HELP Committee general counsel, Beth Buehlmann, education office staff director, and Aaron Bishop, professional staff member on disability policy for their determination and hard work on this bill. I always say that I have the best staff in Congress and I couldn't have done it without them. I would also like to thank Mario Cardona with Senator MIKULSKI's office and Lee Perselay and Michael Gamel-McCormick, with Senator HARKIN's office, for their leadership and effort to get this bill through the Senate, and for working with us in a true bipartisan fashion. I would also like to thank Pattie DeLoatche and Karen LaMontagne from Senator HATCH's office, Karen McCarthy from Senator MURKOWSKI's office, and David Cleary from Senator ALEXANDER's office for their assistance with putting this bill together, Liz King with Legislative Counsel for drafting the bill, and Cassandra Foley from the Congressional Research Service for her work.

Next, the bill would not have been a success without the work of so many families and groups. We all need to thank Rosa Marcellino, her brother Nick and the entire Marcellino family for their strength, determination, and willingness to lead, teach and for not being afraid to voice their opinion and say that this just hasn't been right.

While this bill may not change the whole world, it will make the world a little better, more hospitable place for us and for the entire disability community.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2781), as amended, was ordered to be engrossed for a third read-

ing, but read the third time, and passed.

#### MANDATORY PRICE REPORTING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512.

The PRESIDING OFFICER. The clerk will state the bill by title.

A bill (S. 3656) to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3656) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3656

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Price Reporting Act of 2010".

#### SEC. 2. LIVESTOCK MANDATORY REPORTING.

(a) EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(2) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) WHOLESALE PORK CUTS.—

(1) REPORTING.—Chapter 3 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i et seq.) is amended by adding at the end the following new section:

#### "SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK CUTS.

"(a) REPORTING.—The corporate officers or officially designated representatives of each packer shall report to the Secretary information concerning the price and volume of wholesale pork cuts, as the Secretary determines is necessary and appropriate.

"(b) PUBLICATION.—The Secretary shall publish information reported under subsection (a) as the Secretary determines necessary and appropriate."

(2) NEGOTIATED RULEMAKING.—The Secretary of Agriculture shall establish a negotiated rulemaking process pursuant to subchapter III of chapter 5 of title 5, United States Code, to negotiate and develop a proposed rule to implement the amendment made by paragraph (1).

(3) NEGOTIATED RULEMAKING COMMITTEE.—

(A) REPRESENTATION.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall include representatives from—

(i) organizations representing swine producers;

(ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork;