

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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 “mental retar-

9 dation or”.

1 (b) INDIVIDUALS WITH DISABILITIES EDUCATION
2 ACT.—

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

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

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

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

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

21 (d) REHABILITATION ACT OF 1973.—

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

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

6 (3) Section 501(a) of such Act (29 U.S.C.
7 791(a)) is amended, in the third sentence, by strik-
8 ing “President’s Committees on Employment of Peo-
9 ple With Disabilities and on Mental Retardation”
10 and inserting “President’s Committee on Employ-
11 ment of People with Disabilities and the President’s
12 Committee for People with Intellectual Disabilities”.

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

19 (f) PUBLIC HEALTH SERVICE ACT.—

20 (1) Section 317C(a)(4)(B)(i) of the Public
21 Health Service Act (42 U.S.C. 247b–4(a)(4)(B)(i))
22 is amended by striking “mental retardation;” and
23 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) REFERENCES.—For purposes of each provision
20 amended by this section—

21 (1) a reference to “an intellectual disability”
22 shall mean a condition previously referred to as
23 “mental retardation”, or a variation of this term,
24 and shall have the same meaning with respect to

1 programs, or qualifications for programs, for individ-
2 uals with such a condition; and

3 (2) a reference to individuals with intellectual
4 disabilities shall mean individuals who were pre-
5 viously referred to as individuals who are “individ-
6 uals with mental retardation” or “the mentally re-
7 tarded”, or variations of those terms.

8 **SEC. 3. REGULATIONS.**

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

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

13 (A) a reference in the regulations to men-
14 tal retardation shall be considered to be a ref-
15 erence to an intellectual disability; and

16 (B) a reference in the regulations to the
17 mentally retarded, or individuals who are men-
18 tally retarded, shall be considered to be a ref-
19 erence to individuals with intellectual disabil-
20 ities; and

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

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

1 (B) that individuals with intellectual dis-
2 abilities were formerly termed individuals who
3 are mentally retarded.

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

5 The Act shall be construed to make amendments to
6 provisions of Federal law to substitute the term “an intel-
7 lectual disability” for “mental retardation”, and “individ-
8 uals with intellectual disabilities” for “the mentally re-
9 tarded” or “individuals who are mentally retarded”, with-
10 out any intent to—

11 (1) change the coverage, eligibility, rights, re-
12 sponsibilities, or definitions referred to in the
13 amended provisions; or

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