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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend Federal law to remove the terms “mentally retarded” and “mental retardation”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. POCAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend Federal law to remove the terms “mentally retarded” and “mental retardation”, and for other purposes.

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 “Words Matter Act of
5 2023”.

6 **SEC. 2. REMOVAL OF “MENTALLY RETARDED” AND “MEN-**
7 **TAL RETARDATION” FROM FEDERAL LAW.**

8 (a) **CONTRACTS FOR MEDICAL CARE FOR SPOUSES**
9 **AND CHILDREN.**—Section 1079(d)(3)(B) of title 10,

1 United States Code, is amended by striking “is moderately
2 or severely mentally retarded, has a serious physical dis-
3 ability, or has” and inserting “has a moderate to severe
4 intellectual disability, a serious physical disability, or”.

5 (b) MORTGAGE INSURANCE FOR NURSING HOMES,
6 INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE
7 HOMES.—Section 232(d)(4)(A) of the National Housing
8 Act (12 U.S.C. 1715w(d)(4)(A)) is amended by striking
9 “the mentally retarded or developmentally disabled” and
10 inserting “individuals with intellectual or developmental
11 disabilities”.

12 (c) IMPLEMENTATION OF A SENTENCE OF DEATH.—
13 Section 3596(c) of title 18, United States Code, is amend-
14 ed by striking “is mentally retarded” and inserting “has
15 an intellectual disability”.

16 (d) FETAL ALCOHOL SYNDROME DEFINITION.—Sec-
17 tion 4(9)(A) of the Indian Health Care Improvement Act
18 (25 U.S.C. 1603(9)(A)) is amended by striking “mental
19 retardation” and inserting “intellectual disability”.

20 (e) GENERAL PROGRAMS DEFINITIONS.—Section
21 701 of the Indian Health Care Improvement Act (25
22 U.S.C. 1665) is amended by striking “mental retardation”
23 and inserting “intellectual disability” each place it ap-
24 pears.

1 (f) GRANT AUTHORITY.—Section 2201 of the Omni-
2 bus Crime Control and Safe Streets Act of 1968 (34
3 U.S.C. 10471) is amended—

4 (1) in paragraph (1) by striking “mental retar-
5 dation” and inserting “intellectual disabilities”; and

6 (2) in paragraph (2)—

7 (A) in subparagraph (A) by striking “a
8 mentally ill or mentally retarded offender” and
9 inserting “an offender who has a mental illness
10 or intellectual disability”; and

11 (B) in subparagraph (C) by striking “of a
12 mentally ill or mentally retarded defendant’s
13 cases” and inserting “cases of a defendant who
14 has a mental illness or intellectual disability”.

15 (g) MENTAL HEALTH COURTS DEFINITIONS.—Sec-
16 tion 2202(2) of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (34 U.S.C. 10472(2)) is amended by
18 striking “mental retardation” and inserting “intellectual
19 disability” each place it appears.

20 (h) DONATION OF PERSONAL PROPERTY THROUGH
21 STATE AGENCIES.—Section 549(c)(3)(B)(iv) of title 40,
22 United States Code, is amended by striking “the mentally
23 retarded or physically handicapped” and inserting “indi-
24 viduals with intellectual or physical disabilities”.

1 (i) TRAINING OPPORTUNITIES FOR DIRECT CARE
2 WORKERS.—Section 747A(a) of the Public Health Service
3 Act (42 U.S.C. 293k–1(a)) is amended by striking “men-
4 tal retardation” and inserting “intellectual disabilities”.

5 (j) CRIMINAL PENALTIES FOR ACTS INVOLVING
6 FEDERAL HEALTH CARE PROGRAMS.—Section 1128B of
7 the Social Security Act (42 U.S.C. 1320a–7b) is amended
8 by striking “the mentally retarded” and inserting “indi-
9 viduals with intellectual disabilities” each place it appears.

10 (k) LONG-TERM CARE FACILITY OR PROVIDER.—
11 Section 6201(a)(6)(E)(ix) of the Patient Protection and
12 Affordable Care Act (42 U.S.C. 1320a–7l(a)(6)(E)(ix)) is
13 amended by striking “the mentally retarded” and insert-
14 ing “individuals with intellectual disabilities”.

15 (l) GRANTS FOR PLANNING COMPREHENSIVE ACTION
16 TO RESPOND TO THE NEEDS OF INDIVIDUALS WITH IN-
17 TELLECTUAL DISABILITIES.—Title XVII of the Social Se-
18 curity Act (42 U.S.C. 1391 et seq.) is amended—

19 (1) in the title heading by striking “**COMBAT**
20 **MENTAL RETARDATION**” and inserting
21 “**MEET THE NEEDS OF INDIVIDUALS**
22 **WITH INTELLECTUAL DISABILITIES**”;

23 (2) in section 1701, by striking “combat mental
24 retardation” and inserting “meet the needs of indi-

1 viduals with intellectual disabilities” each place it
2 appears;

3 (3) in section 1702—

4 (A) by striking “needed to combat mental
5 retardation” and inserting “needed to meet the
6 needs of individuals with intellectual disabili-
7 ties”;

8 (B) by striking “the mental retardation
9 problem and of the need for combating it” and
10 inserting “such needs”;

11 (C) by striking “relating to the various as-
12 pects of mental retardation and its prevention,
13 treatment, or amelioration” and inserting “to
14 meet such needs”; and

15 (D) by striking “community action to com-
16 bat mental retardation” and inserting “commu-
17 nity action to meet such needs”; and

18 (4) in section 1703 by striking “the mentally
19 retarded” and inserting “individuals with intellectual
20 disabilities”.

21 (m) REQUIREMENTS FOR, AND ASSURING QUALITY
22 CARE IN, SKILLED NURSING FACILITIES.—Section
23 1819(b)(4) of the Social Security Act (42 U.S.C. 1395i-
24 3(b)(4)) is amended—

1 (1) in subparagraph (A)(vii) by striking “men-
2 tally ill and mentally retarded residents” and insert-
3 ing “residents with mental illnesses or intellectual
4 disabilities”; and

5 (2) in subparagraph (C)(ii)(IV) by striking “the
6 mentally ill and the mentally retarded” and inserting
7 “individuals with mental illnesses or intellectual dis-
8 abilities”.

9 (n) GRANTS TO STATES FOR MEDICAL ASSISTANCE
10 PROGRAMS.—Title XIX of the Social Security Act (42
11 U.S.C. 1396 et seq.) is amended—

12 (1) by striking “intermediate care facility for
13 the mentally retarded” and inserting “intermediate
14 care facility for individuals with intellectual disabili-
15 ties” each place it appears;

16 (2) by striking “intermediate care facilities for
17 the mentally retarded” and inserting “intermediate
18 care facilities for individuals with intellectual disabili-
19 ties” each place it appears;

20 (3) in section 1905(d)—

21 (A) in the matter preceding paragraph (1)
22 by striking “the mentally retarded or persons
23 with” and inserting “individuals with intellec-
24 tual disabilities or”;

1 (B) in paragraph (1) by striking “mentally
2 retarded individuals” and inserting “individuals
3 with intellectual disabilities”; and

4 (C) in paragraph (2) by striking “mentally
5 retarded individual” and inserting “individual
6 who has an intellectual disability”;

7 (4) in the section heading of section 1910 by
8 striking “**THE MENTALLY RETARDED**” and insert-
9 ing “**INDIVIDUALS WITH INTELLECTUAL DIS-**
10 **ABILITIES**”;

11 (5) in section 1915(e)(7)(C) by striking “men-
12 tal retardation or a related condition” and inserting
13 “intellectual disabilities or related conditions”;

14 (6) in section 1919—

15 (A) in subsection (b)(3)—

16 (i) in subparagraph (E)—

17 (I) by striking “mental retarda-
18 tion” and inserting “intellectual”; and

19 (II) by striking “is mentally ill or
20 mentally retarded” and inserting “has
21 a mental illness or intellectual dis-
22 ability”; and

23 (ii) in subparagraph (F)—

24 (I) in the subparagraph heading
25 by striking “MENTALLY ILL AND MEN-

1 TALLY RETARDED INDIVIDUALS” and
2 inserting “INDIVIDUALS WHO HAVE
3 MENTAL ILLNESSES OR INTELLEC-
4 TUAL DISABILITIES”;

5 (II) by striking “State mental re-
6 tardation” and inserting “State intel-
7 lectual” each place it appears;

8 (III) in clause (i) by striking “is
9 mentally ill” and inserting “has a
10 mental illness”; and

11 (IV) in clause (ii)—

12 (aa) by striking “is mentally
13 retarded” and inserting “has an
14 intellectual disability”; and

15 (bb) by striking “for mental
16 retardation” and inserting “for
17 such intellectual disability”;

18 (B) in subsection (b)(4)—

19 (i) in subparagraph (A)(vii) by strik-
20 ing “mentally ill and mentally retarded
21 residents” and inserting “residents with
22 mental illnesses or intellectual disabilities”;
23 and

24 (ii) in subparagraph (C)(ii)(IV) by
25 striking “the mentally ill and the mentally

1 retarded” and inserting “individuals with
2 mental illnesses or intellectual disabilities”;
3 and

4 (C) in subsection (e)(7)—

5 (i) in subparagraph (A)(i) by striking
6 “mentally ill and mentally retarded individ-
7 uals” and inserting “individuals with men-
8 tal illnesses or intellectual disabilities”;

9 (ii) in subparagraph (B)—

10 (I) by striking “State mental re-
11 tardation” and inserting “State intel-
12 lectual” each place it appears;

13 (II) in clause (ii)—

14 (aa) in the clause heading
15 by striking “MENTALLY RE-
16 TARDED RESIDENTS” and insert-
17 ing “RESIDENTS WITH INTEL-
18 LECTUAL DISABILITIES”;

19 (bb) in the matter preceding
20 clause (I) by striking “is men-
21 tally retarded” and inserting
22 “has an intellectual disability”;
23 and

24 (cc) in subclause (II) by
25 striking “mental retardation”

1 and inserting “an intellectual dis-
2 ability”; and

3 (III) in clause (iii) by striking
4 “mentally ill or mentally retarded
5 resident” and inserting “resident who
6 has a mental illness or intellectual dis-
7 ability”;

8 (iii) in subparagraph (C) by striking
9 “mental retardation” and inserting “intel-
10 lectural disability” in each place it appears;
11 (iv) in subparagraph (E)—

12 (I) by striking “are mentally re-
13 tarded or mentally ill” and inserting
14 “have an intellectual disability or
15 mental illness”; and

16 (II) by striking “mental retarda-
17 tion” and inserting “intellectual dis-
18 ability”; and

19 (v) in subparagraph (G)—

20 (I) in clause (i) by inserting “or
21 have a ‘mental illness’” after “‘men-
22 tally ill’”; and

23 (II) in clause (ii) by striking “be
24 ‘mentally retarded’ if the individual is
25 mentally retarded or a person with”

1 and inserting “have an ‘intellectual
2 disability’ if the individual has an in-
3 tellectual disability or”; and

4 (7) in the section heading of section 1922 by
5 striking “**THE MENTALLY RETARDED**” and insert-
6 ing “**INDIVIDUALS WITH INTELLECTUAL DIS-**
7 **ABILITIES**”.

8 (o) PAYMENTS TO STATES.—Section 2002(a)(2)(A)
9 of the Social Security Act (42 U.S.C. 1397a(a)(2)(A)) is
10 amended by striking “the mentally retarded” and insert-
11 ing “individuals with intellectual disabilities”.

12 (p) MISCELLANEOUS PROVISIONS.—Section 12(d)(5)
13 of the Richard B. Russell National School Lunch Act (42
14 U.S.C. 1760(d)(5)) is amended by striking “the mentally
15 retarded” and inserting “individuals with intellectual dis-
16 abilities”.

17 (q) CHILD NUTRITION DEFINITIONS.—Section 15(3)
18 of the Child Nutrition Act of 1966 (42 U.S.C. 1784(3))
19 is amended by striking “the mentally retarded” and in-
20 serting “individuals with intellectual disabilities”.

21 (r) INSTITUTIONALIZED PERSONS DEFINITIONS.—
22 Section 2(1)(B) of the Civil Rights of Institutionalized
23 Persons Act (42 U.S.C. 1997(1)(B)) is amended—

24 (1) in clause (i) by striking “disabled, or re-
25 tarded, or chronically ill or handicapped” and insert-

1 ing “physically or intellectually disabled, or chron-
2 ically ill”; and

3 (2) in clause (iv)(III) by striking “mentally ill
4 or disabled, mentally retarded, or chronically ill or
5 handicapped” and inserting “mentally ill, physically
6 or intellectually disabled, or chronically ill”.

7 (s) PROGRAMS FOR INDIVIDUALS WITH DEVELOP-
8 MENTAL DISABILITIES.—Title I of the Developmental
9 Disabilities Assistance and Bill of Rights Act of 2000 (42
10 U.S.C. 15001 et seq.) is amended—

11 (1) by striking “Intermediate Care Facility
12 (Mental Retardation)” and inserting “intermediate
13 care facility for individuals with intellectual disabili-
14 ties” each place it appears;

15 (2) in section 109(a)(4)(B)(i) by striking “the
16 mentally retarded” and inserting “individuals with
17 intellectual disabilities”; and

18 (3) in section 125(e)(7)(F)(i) by striking “In-
19 termediate Care Facilities (Mental Retardation)”
20 and inserting “intermediate care facilities for indi-
21 viduals with intellectual disabilities”.

22 **SEC. 3. REGULATIONS.**

23 For the purposes of a regulation issued to carry out
24 a provision amended by this Act—

1 (1) before the regulation is amended to carry
2 out this Act—

3 (A) a reference in the regulation to “men-
4 tal retardation” shall be considered to be a ref-
5 erence to “an intellectual disability”; and

6 (B) a reference in the regulation to “the
7 mentally retarded”, or “individuals who are
8 mentally retarded”, shall be considered to be a
9 reference to “individuals with intellectual dis-
10 abilities”; and

11 (2) in amending a regulation to carry out this
12 Act, a Federal agency shall ensure that the regula-
13 tion clearly states—

14 (A) that “an intellectual disability” was
15 formerly termed “mental retardation”; and

16 (B) that “individuals with intellectual dis-
17 abilities” were formerly termed “the mentally
18 retarded” or “individuals who are mentally re-
19 tarded”.

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

21 This Act shall be construed to amend Federal law
22 to remove the term “mentally retarded” and “mental re-
23 tardation” without any intent to—

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

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