

118TH CONGRESS  
1ST SESSION

# H. R. 3111

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2023

Mr. POCAN (for himself, Mr. SESSIONS, Ms. NORTON, Mrs. RODGERS of Washington, Mr. MULLIN, Mr. DESAULNIER, Mr. GRIJALVA, Mr. PHILLIPS, Ms. TOKUDA, Mr. BLUMENAUER, Mr. KEATING, Mr. FITZPATRICK, Mr. TONKO, Mr. GARCÍA of Illinois, Mr. SMITH of New Jersey, Mr. LANGWORTHY, Mr. MOLINARO, Mrs. HOUCHIN, Mrs. WATSON COLEMAN, Mr. NICKEL, Ms. SCHAKOWSKY, Mr. DOGGETT, Ms. MCCOLLUM, Ms. CASTOR of Florida, Ms. KAPTUR, Ms. WILD, Mr. EVANS, Mr. MOSKOWITZ, Mr. DUNCAN, Ms. LETLOW, Mr. PAYNE, Ms. SHERRILL, Mr. MCGARVEY, Ms. BUDZINSKI, Mr. KHANNA, Mr. MANN, Ms. LEE of Pennsylvania, Ms. KUSTER, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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”.

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

3 (a) **CONTRACTS FOR MEDICAL CARE FOR SPOUSES**  
4 **AND CHILDREN.**—Section 1079(d)(3)(B) of title 10,  
5 United States Code, is amended by striking “is moderately  
6 or severely mentally retarded, has a serious physical dis-  
7 ability, or has” and inserting “has a moderate to severe  
8 intellectual disability, a serious physical disability, or”.

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

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

20 (d) **FETAL ALCOHOL SYNDROME DEFINITION.**—Sec-  
21 tion 4(9)(A) of the Indian Health Care Improvement Act  
22 (25 U.S.C. 1603(9)(A)) is amended by striking “mental  
23 retardation” and inserting “intellectual disability”.

24 (e) **GENERAL PROGRAMS DEFINITIONS.**—Section  
25 701 of the Indian Health Care Improvement Act (25  
26 U.S.C. 1665) is amended by striking “mental retardation”

1 and inserting “intellectual disability” each place it ap-  
2 pears.

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

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

8 (2) in paragraph (2)—

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

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

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

22 (h) DONATION OF PERSONAL PROPERTY THROUGH  
23 STATE AGENCIES.—Section 549(c)(3)(B)(iv) of title 40,  
24 United States Code, is amended by striking “the mentally

1 retarded or physically handicapped” and inserting “indi-  
2 viduals with intellectual or physical disabilities”.

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

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

12 (k) LONG-TERM CARE FACILITY OR PROVIDER.—  
13 Section 6201(a)(6)(E)(ix) of the Patient Protection and  
14 Affordable Care Act (42 U.S.C. 1320a–71(a)(6)(E)(ix)) is  
15 amended by striking “the mentally retarded” and insert-  
16 ing “individuals with intellectual disabilities”.

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

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

1           (2) in section 1701, by striking “combat mental  
2           retardation” and inserting “meet the needs of indi-  
3           viduals with intellectual disabilities” each place it  
4           appears;

5           (3) in section 1702—

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

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

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

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

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

23          (m) REQUIREMENTS FOR, AND ASSURING QUALITY  
24          CARE IN, SKILLED NURSING FACILITIES.—Section

1 1819(b)(4) of the Social Security Act (42 U.S.C. 1395i-  
2 3(b)(4)) is amended—

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

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

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

14 (1) by striking “intermediate care facility for  
15 the mentally retarded” and inserting “intermediate  
16 care facility for individuals with intellectual disabil-  
17 ities” each place it appears;

18 (2) by striking “intermediate care facilities for  
19 the mentally retarded” and inserting “intermediate  
20 care facilities for individuals with intellectual disabil-  
21 ities” each place it appears;

22 (3) in section 1905(d)—

23 (A) in the matter preceding paragraph (1)  
24 by striking “the mentally retarded or persons

1 with” and inserting “individuals with intellec-  
2 tual disabilities or”;

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

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

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

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

16 (6) in section 1919—

17 (A) in subsection (b)(3)—

18 (i) in subparagraph (E)—

19 (I) by striking “mental retarda-  
20 tion” and inserting “intellectual”; and

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

25 (ii) in subparagraph (F)—

1 (I) in the subparagraph heading  
2 by striking “MENTALLY ILL AND MEN-  
3 TALLY RETARDED INDIVIDUALS” and  
4 inserting “INDIVIDUALS WHO HAVE  
5 MENTAL ILLNESSES OR INTELLEC-  
6 TUAL DISABILITIES”;

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

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

13 (IV) in clause (ii)—

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

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

20 (B) in subsection (b)(4)—

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



1 (ii) in subparagraph (C)(ii)(IV) by  
2 striking “the mentally ill and the mentally  
3 retarded” and inserting “individuals with  
4 mental illnesses or intellectual disabilities”;  
5 and

6 (C) in subsection (e)(7)—

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

11 (ii) in subparagraph (B)—

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

15 (II) in clause (ii)—

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

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

1                   (cc) in subclause (II) by  
2 striking “mental retardation”  
3 and inserting “an intellectual dis-  
4 ability”; and

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

10                  (iii) in subparagraph (C) by striking  
11 “mental retardation” and inserting “intel-  
12 lectual disability” in each place it appears;

13                  (iv) in subparagraph (E)—

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

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

21                  (v) in subparagraph (G)—

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

1 (II) in clause (ii) by striking “be  
2 ‘mentally retarded’ if the individual is  
3 mentally retarded or a person with”  
4 and inserting “have an ‘intellectual  
5 disability’ if the individual has an in-  
6 tellectual disability or”; and

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

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

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

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

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

4 (1) in clause (i) by striking “disabled, or re-  
5 tarded, or chronically ill or handicapped” and insert-  
6 ing “physically or intellectually disabled, or chron-  
7 ically ill”; and

8 (2) in clause (iv)(III) by striking “mentally ill  
9 or disabled, mentally retarded, or chronically ill or  
10 handicapped” and inserting “mentally ill, physically  
11 or intellectually disabled, or chronically ill”.

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

16 (1) by striking “Intermediate Care Facility  
17 (Mental Retardation)” and inserting “intermediate  
18 care facility for individuals with intellectual disabili-  
19 ties” each place it appears;

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

23 (3) in section 125(c)(7)(F)(i) by striking “In-  
24 termediate Care Facilities (Mental Retardation)”

1 and inserting “intermediate care facilities for indi-  
2 viduals with intellectual disabilities”.

3 **SEC. 3. REGULATIONS.**

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

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

8 (A) a reference in the regulation 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 regulation to “the  
12 mentally retarded”, or “individuals who are  
13 mentally retarded”, shall be considered to be a  
14 reference to “individuals with intellectual dis-  
15 abilities”; and

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

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

21 (B) that “individuals with intellectual dis-  
22 abilities” were formerly termed “the mentally  
23 retarded” or “individuals who are mentally re-  
24 tarded”.

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

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

5 (1) change the coverage, eligibility, rights, re-  
6 sponsibilities, or definitions referred to in the  
7 amended provisions; or

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

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