

118TH CONGRESS
2D SESSION

S. 3726

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2024

Mr. CASEY (for himself and Mr. MORAN) introduced the following bill; which
was read twice and referred to the Committee on the Judiciary

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 2024”.

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,
10 United States Code, is amended by striking “is moderately

1 or severely mentally retarded, has a serious physical dis-
 2 ability, or has” and inserting “has a moderate to severe
 3 intellectual disability, a serious physical disability, or”.

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

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

15 (d) DEFINITION OF FETAL ALCOHOL SYNDROME.—
 16 Section 4(9)(A) of the Indian Health Care Improvement
 17 Act (25 U.S.C. 1603(9)(A)) is amended by striking “men-
 18 tal retardation” and inserting “an intellectual disability”.

19 (e) GENERAL PROGRAMS DEFINITIONS.—Section
 20 701 of the Indian Health Care Improvement Act (25
 21 U.S.C. 1665) is amended—

22 (1) in paragraph (1), in the first sentence, by
 23 striking “mental retardation” and inserting “an in-
 24 tellectual disability”; and

1 (2) in paragraph (6)(A), by striking “mental re-
2 tardation” and inserting “an intellectual disability”.

3 (f) GRANT AUTHORITY.—Section 2201 of title I of
4 the Omnibus Crime Control and Safe Streets Act of 1968
5 (34 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 title I of the Omnibus Crime Control and
19 Safe Streets Act of 1968 (34 U.S.C. 10472(2)) is amend-
20 ed by striking “mental retardation” each place it appears
21 and inserting “intellectual disability”.

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–7l(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 (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 disabil-
9 ities”;

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 (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)—

8 (A) by striking “section 307(a)(12)” and
 9 inserting “section 307(a)(9)”; and

10 (B) by striking “the mentally ill and the
 11 mentally retarded” and inserting “individuals
 12 with mental illnesses or intellectual disabilities”.

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

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

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

24 (3) in section 1905(d)—

1 (A) in the matter preceding paragraph (1)
 2 by striking “the mentally retarded or persons
 3 with” and inserting “individuals with intellec-
 4 tual disabilities or”;

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

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

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

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

18 (6) in section 1919—

19 (A) in subsection (b)(3)—

20 (i) in subparagraph (E)—

21 (I) by striking “mental retardation” and inserting “intellectual”; and

22 (II) by striking “is mentally ill or
 23 mentally retarded” and inserting “has
 24

1 a mental illness or intellectual dis-
 2 ability”; and

3 (ii) in subparagraph (F)—

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

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

13 (III) in clause (i) by striking “is
 14 mentally ill” and inserting “has a
 15 mental illness”; and

16 (IV) in clause (ii)—

17 (aa) by striking “is mentally
 18 retarded” and inserting “has an
 19 intellectual disability”; and

20 (bb) by striking “for mental
 21 retardation” and inserting “for
 22 such intellectual disability”;

23 (B) in subsection (b)(4)—

24 (i) in subparagraph (A)(vii) by strik-
 25 ing “mentally ill and mentally retarded

residents” and inserting “residents with
 mental illnesses or intellectual disabilities”;
 and

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

(C) in subsection (e)(7)—

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

(ii) in subparagraph (B)—

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

(II) in clause (ii)—

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

(bb) in the matter preceding
 clause (I) by striking “is men-

1 tally retarded” and inserting
 2 “has an intellectual disability”;
 3 and

4 (cc) in subclause (II) by
 5 striking “mental retardation”
 6 and inserting “an intellectual dis-
 7 ability”; and

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

13 (iii) in subparagraph (C) by striking
 14 “mental retardation” and inserting “intel-
 15 lectual disability” in each place it appears;

16 (iv) in subparagraph (E)—

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

21 (II) by striking “mental retarda-
 22 tion” and inserting “intellectual dis-
 23 ability”; and

24 (v) in subparagraph (G)—

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

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

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

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

18 (p) NATIONAL SCHOOL LUNCH ACT.—Section
 19 12(d)(5) of the Richard B. Russell National School Lunch
 20 Act (42 U.S.C. 1760(d)(5)) is amended by striking “the
 21 mentally retarded” and inserting “individuals with intel-
 22 lectual disabilities”.

23 (q) CHILD NUTRITION ACT.—Section 15(3) of the
 24 Child Nutrition Act of 1966 (42 U.S.C. 1784(3)) is
 25 amended in the first sentence by striking “the mentally

1 retarded” and inserting “individuals with intellectual dis-
2 abilities”.

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

6 (1) in clause (i) by striking “disabled, or re-
7 tarded, or chronically ill or handicapped” and insert-
8 ing “are individuals with intellectual or other disabil-
9 ities, or are chronically ill”; and

10 (2) in clause (iv)(III) by striking “mentally ill
11 or disabled, mentally retarded, or chronically ill or
12 handicapped” and inserting “mentally ill, individuals
13 with intellectual or other disabilities, or chronically
14 ill”.

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

19 (1) by striking “Intermediate Care Facility
20 (Mental Retardation)” and inserting “intermediate
21 care facility for individuals with intellectual disabil-
22 ities” each place it appears;

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

1 (3) in section 125(c)(7)(F)(i) by striking “In-
2 intermediate Care Facilities (Mental Retardation)”
3 and inserting “intermediate care facilities for indi-
4 viduals with intellectual disabilities”.

5 **SEC. 3. REGULATIONS.**

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

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

10 (A) a reference in the regulation to “men-
11 tal retardation” or a related term shall be con-
12 sidered to be a reference to “an intellectual dis-
13 ability”; and

14 (B) a reference in the regulation to “the
15 mentally retarded” or a related term, or “indi-
16 viduals who are mentally retarded”, shall be
17 considered to be a reference to “individuals
18 with intellectual disabilities”; and

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

22 (A) that “an intellectual disability” was
23 formerly termed “mental retardation” or a re-
24 lated term; and

1 (B) that “individuals with intellectual dis-
2 abilities” were formerly termed “the mentally
3 retarded” or “individuals who are mentally re-
4 tarded” or a related term.

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

6 This Act shall be construed to amend Federal law
7 to remove the terms “mentally retarded” and “mental re-
8 tardation”, and related terms, without any intent to—

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

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

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