

117TH CONGRESS  
2D SESSION

# H. R. 8863

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

SEPTEMBER 15, 2022

Mr. POCAN (for himself, Mr. SESSIONS, Mrs. RODGERS of Washington, Ms. NORTON, and Mr. SUOZZI) 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 2022”.

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) FETAL ALCOHOL SYNDROME DEFINITION.—Sec-  
16 tion 4(9)(A) of the Indian Health Care Improvement Act  
17 (25 U.S.C. 1603(9)(A)) is amended by striking “mental  
18 retardation” and inserting “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 by striking “mental retardation”  
22 and inserting “intellectual disability” each place it ap-  
23 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 disabil-  
7                       ities”;

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(c)(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



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-  
tally retarded” and inserting  
“has an intellectual disability”;  
and

(cc) in subclause (II) by  
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 lectual 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(c)(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 tardated”.

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           sponsibilities, 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.

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