

Statement of Michael B. Enzi
Senate Committee on Health, Education, Labor and
Pensions

Remarks: Rosa's Law

Mr. ENZI. Mr. President, I am pleased to have this opportunity to join my colleague from Maryland, Senator Mikulski, in introducing Rosa's law. I would like to thank her for her leadership and her commitment on this issue. Simply put, this legislation will make an important change in the words we use to refer to those with intellectual disabilities. It is a much needed change in the law that is fully deserving of our support.

For far too long we have used words like "mental retardation" in our federal statutes to refer to those with intellectual disabilities. This has been unfortunate because when we use such a term we send a message throughout our society that someone "is" their disability, instead of someone like us who is facing a challenge in their life. Such

a term creates the unwanted impression that growth is impossible and their disability will lock them into a certain lifestyle forever.

As an example, imagine a friend with cancer. When you refer to him or her you would probably say they have cancer, or are going through cancer treatment. You wouldn't say they "are" cancer like this term says that someone "is" their disability. It's a distinction that makes a big difference for anyone facing such a difficult period of their lives.

This is not a unique situation. Historically, this and other unfortunate terms have been used to refer to people with disabilities of all kinds for many years.

Prior to the 1960's, people who were viewed as having intellectual limitations were shunned from society and placed in institutions. The American dream of self-determination, independent living, and the pursuit of freedom and happiness was thought to be impossible for them to achieve.

We let the limitations we helped to create with our words and our attitudes slowly take away their hopes and dreams for a better life and a brighter future.

We know now that words have meaning, sometimes far beyond what we intend. Therefore, we must be very careful about the way we describe the people we see every day, including those with disabilities, or those who are undergoing treatment for a variety of health issues. Unfortunately, the federal government has not dropped this term from our laws and it still appears in the regulations and statutes that come before our legislative bodies and our courts.

With this legislation we are taking a giant step forward, as we acknowledge that times have changed and we live in a much different world. Clearly this term was not developed from malice. It came from a lack of understanding of what it was like to be labeled with such a term and then left virtually alone in the effort to overcome it.

Over the years, Congress has made it known that community living, educational opportunities that lead to success in the workplace, and equal opportunity without discrimination will be available to people who are living with intellectual limitations under appropriate federal statutes.

That was a good start. Unfortunately, several key federal disability statutes, including the Individuals with Disabilities Education Act, the Rehabilitation Act, the Developmental Disabilities Act, and the Genetic Information Nondiscrimination Act, still use the outmoded term. It is time for Congress to be proactive and join the states of New Hampshire, Maryland, and my home state of Wyoming by ending the use of this pejorative term and replacing it with a more carefully chosen word.

To paraphrase a quote I have heard about cancer, a disability is a word, not a sentence. We have put that philosophy into practice over the years for other disabilities.

It is time we adapted it to provide support to those living with intellectual disabilities as well.

Some will ask if we are being overly sensitive, or if we are just trying to make a change to be politically correct. The answer to that question is clearly “No.”

It is no secret. When we put a “label” like that on someone we often find ourselves dealing with the label as if it is not a description of the challenges someone faces in their lives but a reflection of who that person really is. That puts them in a group with a label for a name and tells them that they are not worthy of being treated as an individual, with individual needs and interests.

I have heard from people with intellectual disabilities over the years. They have asked us to put an end to the use of that outdated term. Self-advocacy groups such as Self-Advocates Becoming Empowered and local People First Organizations as well as organizations such as the Arc of the United States, Special Olympics International, and others

have already stopped using this archaic terminology and dropped the term from their agency names. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term “Intellectual Disability” in the next publication of their manual.

I have always believed that the law is a great teacher. That is why we need to join in this effort and express our support for the efforts of those with disabilities of all kinds to live to their full potential. We can do that by eliminating the use of negative archaic terms to refer to those with intellectual limitations. Such an action on our part starts with this bill that uses the term intellectual disability in laws that are in the jurisdiction of the Senate Committee on Health, Education, Labor and Pensions. This bill makes our intent clear throughout our nation that this term will never again be used in Congress or in any federal office.

When I came to the Senate 13 years ago, my staff and I met almost immediately to work on our mission statement. When it was completed, one of the most important clauses we had written was our commitment that we would treat others not as we would wish to be treated, but as **they** would wish to be treated. There is a difference.

Today, with the passage of this important legislation, we are reaching out to those with intellectual disabilities to assure them that their government will treat them as they would wish to be treated. By so doing, we will also be directing our staffs and the staffs of federal offices throughout the United States that the best way for them to refer to those with disabilities or to anyone who comes into their office is by the term they have carried with them throughout their lives – their name.

With that Mr. President I yield the floor.