

DUCKWORTH - CAPITO SUBSTITUTE



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4107

To require Amtrak to report to Congress information on Amtrak compliance with the Americans with Disabilities Act of 1990 with respect to trains and stations.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. DUCKWORTH (for herself and Mrs. CAPITO)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Think Differently
5 Transportation Act".

6 **SEC. 2. REPORT ON AMTRAK ADA COMPLIANCE.**

7 Section 24315(b) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (B), by striking

11 "and" at the end;

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting a semicolon;
3 and

4 (C) by adding at the end the following:

5 “(D) shall include an action plan for bringing
6 Amtrak-served stations that are not in compliance
7 with the Americans with Disabilities Act of 1990 (42
8 U.S.C. 12101 et seq.) into compliance with such
9 Act, as required by the settlement agreement en-
10 tered into in 2020 between Amtrak and the Depart-
11 ment of Justice;

12 “(E) shall include a status report on—

13 “(i) Amtrak-served stations for which Am-
14 trak is solely responsible for compliance with
15 such Act based on a station assessment carried
16 out by Amtrak, including a timeline for any re-
17 quired compliance with such Act, as required by
18 the settlement agreement;

19 “(ii) Amtrak-served stations for which Am-
20 trak has a shared responsibility for compliance
21 with such Act based on a station assessment
22 carried out by Amtrak or by the party respon-
23 sible for such compliance, including a timeline
24 for any required compliance with such Act for
25 the portions of the station for which Amtrak is

1 the responsible party consistent with the terms
2 of the settlement agreement, identifying who is
3 responsible for compliance (and the status of
4 the compliance of each responsible party with
5 such Act) for such portions and the timeline for
6 compliance in cases in which Amtrak is not the
7 responsible party; and

8 “(iii) the status of compliance with such
9 Act for all Amtrak-served stations for which
10 Amtrak is not the responsible party, nor is re-
11 sponsible for a portion of the station, and iden-
12 tify the entity or entities that have responsi-
13 bility for compliance with such Act, based on a
14 station assessment carried out by Amtrak or
15 the party responsible under such Act.”; and

16 (2) by adding at the end the following:

17 “(3) Amtrak may meet the requirements described in
18 clauses (ii) and (iii) of paragraph (1)(E) by demonstrating
19 that Amtrak took reasonable measures to obtain coopera-
20 tion from responsible entities.

21 “(4) Amtrak shall submit the action plan and status
22 report required under subparagraphs (D) and (E) of para-
23 graph (1)—

24 “(A) annually while the settlement agreement
25 referred to in paragraph (1)(D) is in effect; and

4

- 1 “(B) every 5 years beginning on the first day
- 2 the settlement is no longer in effect.”.