

THINK DIFFERENTLY
TRANSPORTATION ACT

Mr. MOLINARO. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read the title of the bill.
The text of the bill is as follows:

S. 4107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Think Differently Transportation Act”.

SEC. 2. REPORT ON AMTRAK ADA COMPLIANCE.

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

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “and” at the end;

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

(C) by adding at the end the following:

“(D) shall include an action plan for bringing Amtrak-served stations that are not in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) into compliance with such Act, as required by the settlement agreement entered into in 2020 between Amtrak and the Department of Justice;

“(E) shall include a status report on—

“(i) Amtrak-served stations for which Amtrak is solely responsible for compliance with such Act based on a station assessment carried out by Amtrak, including a timeline for any required compliance with such Act, as required by the settlement agreement;

“(ii) Amtrak-served stations for which Amtrak has a shared responsibility for compliance with such Act based on a station assessment carried out by Amtrak or by the party responsible for such compliance, including a timeline for any required compliance with such Act for the portions of the station for which Amtrak is the responsible party consistent with the terms of the settlement agreement, identifying who is responsible for compliance (and the status of the compliance of each responsible party with such Act) for such portions and the timeline for compliance in cases in which Amtrak is not the responsible party; and

“(iii) the status of compliance with such Act for all Amtrak-served stations for which Amtrak is not the responsible party, nor is responsible for a portion of the station, and identify the entity or entities that have responsibility for compliance with such Act, based on a station assessment carried out by Amtrak or the party responsible under such Act.”; and

(2) by adding at the end the following:

“(3) Amtrak may meet the requirements described in clauses (ii) and (iii) of paragraph (1)(E) by demonstrating that Amtrak took reasonable measures to obtain cooperation from responsible entities.

“(4) Amtrak shall submit the action plan and status report required under subparagraphs (D) and (E) of paragraph (1)—

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

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

The SPEAKER pro tempore (Mr. EDWARDS). Pursuant to the rule, the gentleman from New York (Mr.

MOLINARO) and the gentleman from California (Mr. DESAULNIER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MOLINARO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on S. 4107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MOLINARO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to stand again in support of my bill, the Think Differently Transportation Act, as it returns to the floor after minor amendments that were made in the Senate.

After passing this bill today, the bill will head to the President’s desk to be signed into law. This bill is one of several initiatives that passed the House to build off of the work I began as Dutchess County executive in New York State, the ThinkDIFFERENTLY initiative.

This was a call to action to create a supportive and welcoming environment for those living with intellectual, developmental, and physical disabilities. The Think Differently Transportation Act does just that.

The bill requires that Amtrak submit to Congress and the President an annual report with an expected timeline for bringing Amtrak trains and stations into compliance with the Americans with Disabilities Act.

Amtrak stations and trains should be fully accessible to all Americans with disabilities and of every ability, and fully compliant, of course, with Federal law.

Mr. Speaker, the ADA was passed in 1990 and established a 20-year timeframe for intercity rail stations to be accessible to those with disabilities. As of July 2023, sadly, Amtrak has only brought 30 percent of their 385 stations that they are responsible for into ADA compliance. Of course, this is unacceptable, and it is the reason that this bill is necessary.

The Think Differently Transportation Act is strongly supported by Republicans and Democrats, and it allows Congress to have the appropriate oversight of Amtrak to ensure it complies with its obligations under the law. The bill is a big step forward that Congress can take to address accessibility barriers to traveling by rail.

I certainly thank Senator DUCKWORTH for taking up the bill and her support in the Senate and, of course, working to ensure its adoption there.

Mr. Speaker, I urge strong support of this legislation, and I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Think Differently Transportation Act, a bipartisan bill that will advance accessibility to Amtrak-served stations.

Amtrak received \$22 billion in the bipartisan infrastructure law, or BIL, to buy new equipment, invest in station accessibility, and reduce the backlog of capital projects and operating needs.

In the BIL, Congress directed Amtrak to make all of the stations that Amtrak serves accessible. The Think Differently Transportation Act, as led by Senator TAMMY DUCKWORTH and passed by the Senate, will require Amtrak to report annually to Congress on the accessibility status for all of the more than 500 stations Amtrak serves, not just the ones where it has the responsibility under the Americans with Disabilities Act.

Thanks to the BIL, Amtrak is investing in new equipment and upgrading stations. We need assurances that these investments are taking into account people with disabilities, as required under the ADA. This bill helps to do just that.

This bill differs slightly from the House companion version of the Think Differently Transportation Act, sponsored by Representative MOLINARO, which I am proud to cosponsor and that the House has previously passed.

This version included a requirement that Amtrak report on accessibility of its railcars in addition to stations. While that requirement has been left out of this version, we are hopeful that Amtrak will also include these updates on how their equipment is and will be accessible to people with all types of disabilities.

My friend, the late Representative Donald Payne, Jr., whose 66th birthday would have been today, cosponsored and helped write the House companion version of the Think Differently Transportation Act, and I am pleased that this bill, soon to become law, will be part of his legacy.

Mr. Speaker, I urge all of my colleagues to support S. 4107, the Think Differently Transportation Act, and I reserve the balance of my time.

Mr. MOLINARO. Mr. Speaker, I have no further speakers, and I am prepared to close. I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I thank Mr. MOLINARO, as well, and I think of Don Payne at this moment. I am pleased to support the Think Differently Transportation Act, and I encourage my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. MOLINARO. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, first, let me extend my appreciation to my colleague for his support and cosponsorship of the legislation.

I, too, wish to extend our prayers and love to the family of Donald Payne, but I also am grateful for Representative Payne’s leadership on this very issue.

As I mentioned, this is an important opportunity for the disability community to ensure that the barriers that they face to accessing Amtrak trains and stations are taken down.

When I first came to Congress, I actually couldn't believe that Amtrak hadn't adequately met the ADA requirements as Congress had previously mandated, and so we immediately got to work on this very piece of legislation.

It is certainly gratifying to see the bill now about to become law because it addresses injustices for those with intellectual, physical, and developmental disabilities when they travel by train.

As this might be one of the last times I speak before the House, Mr. Speaker, I wish to express my appreciation to Members on both sides of the aisle. There are so many individuals with intellectual, physical, and developmental disabilities, like my very own daughter, who have yet to have been granted full access to the quality of life that so many others get to enjoy.

If Congress can continue to take incremental and, in some cases, bold steps to break down barriers and create opportunities for those of every ability, we can truly ensure that the rights, privileges, and opportunities that are granted and protected by this House, our Constitution, and this very government are extended to those too often overlooked. Those living with disabilities face some of the greatest challenges of any American, and we ought to find new ways to break down those barriers and create opportunities for them.

Mr. Speaker, I appreciate the support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MOLINARO) that the House suspend the rules and pass the bill, S. 4107.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1730

THINK DIFFERENTLY DATABASE ACT

Mr. GUTHRIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 670) to amend title IV of the Public Health Service Act to direct the Secretary of Health and Human Services to establish a clearinghouse on intellectual disabilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Think Differently Database Act".

SEC. 2. PROMOTING AWARENESS OF AVAILABLE RESOURCES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish and update periodically a publicly available website to provide information with respect to resources and information for people with a disability and the caregivers and families of such people. Such website shall include—

(1) information on eligibility to receive medical assistance under a State plan under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) based on a disability, including general information about eligibility under subclauses (XIII), (XV), (XVI), and (XIX) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(2) which States offer eligibility under subclauses (XIII), (XV), (XVI), and (XIX) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(3) each State's specific eligibility requirements, if applicable, under subclauses (XIII), (XV), (XVI), and (XIX) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii));

(4) information about how to contact each State's Medicaid office for information about Medicaid, including links and phone numbers for State contacts;

(5) general information on Medicaid-covered long-term services and supports that may be available to individuals eligible for medical assistance under a State plan under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan); and

(6) where applicable, the average amount of time that individuals newly enrolled in a State's waiver program for home and community-based services in the past 12 months were on the list of individuals waiting to enroll in such waiver program, in such a manner and process as described in section 441.311(d)(1)(iii) of title 42, Code of Federal Regulations.

(b) PROMOTION.—The Secretary shall, as applicable and appropriate, identify and disseminate promotional activities to improve, among people with a disability and the caretakers and families of such people, the awareness of the resources included in the website established under subsection (a), such as through collaboration with the Social Security Administration during its annual updates to the Red Book.

(c) MODEL.—In establishing the website under this section, the Secretary may use the website thinkdifferently.net as a model.

(d) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the implementation of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentlewoman from Washington (Ms. SCHRIER) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 670, the Think Differently Database Act led by Representative MARCUS MOLINARO.

This legislation will make it easier for individuals with disabilities to understand what Medicaid covered services are available to them.

The Medicaid program provides health coverage to nearly 80 million people, and in 2021, an estimated 9.5 million people were enrolled in Medicaid on the basis of their disability.

As a jointly funded Federal-State program, Medicaid program eligibility and coverage can differ significantly from State to State. One caregiving report found that online information about caregiving services can be hard to find, confusing, inconsistent, and not consumer-oriented.

This bipartisan bill would direct HHS to establish a website that is designed to help people with disabilities determine their Medicaid eligibility, making it easier for them to get to the care they need.

Mr. Speaker, I thank Congressman MOLINARO for his tireless work as a champion for people with disabilities. I encourage my colleagues to support this bill, and I reserve the balance of my time.

Ms. SCHRIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 670, the Think Differently Database Act. This legislation would require the Department of Health and Human Services to establish a website to provide people with disabilities information about the different ways that they could be eligible for Medicaid, as well as the services and supports that they can access through each State's Medicaid program and whether there is a wait list to access the home- and community-based services that they often need.

Medicaid is really a lifeline for people with disabilities who are less likely to have access to other sources of coverage, and even when they do have employer-sponsored coverage or Medicare, that coverage typically does not cover the services they need, including home- and community-based services.

Unfortunately, it is often difficult for people with disabilities and their families and caretakers to access the information they need about whether they are eligible for Medicaid in the State in which they live, whether there are wait lists for the services they need, and how to apply for Medicaid.

This bill seeks to overcome some of those barriers by making information available to people with disabilities and their families and caretakers in a single, national resource.

I thank Representatives SHERRILL and MOLINARO for their leadership on this legislation and encourage my colleagues to vote "yes" on H.R. 670.

Mr. Speaker, I reserve the balance of my time.