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Women & Families
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Reform Judaism
Service Employees International Union
Sikh Coalition
UnidosUS

President and CEO

Maya Wiley

June 16, 2025

David Taggart
Office of the General Counsel
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

**RE: RIN 1903-AA24 Rescinding New Construction Requirements Related to
Nondiscrimination in Federally Assisted Programs or Activities**

Dear Mr. Taggart,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 59 undersigned organizations, we offer the following **significant, adverse comments** in opposition to the Department of Energy's direct final rule, "Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities," published in the Federal Register on May 16, 2025 and **urge its immediate withdrawal**. This direct final rule is inconsistent with our civil rights laws, undermines the protections they provide, and has been issued through an inappropriate process.

Our nation's civil rights laws are a promise made by Congress to the American people that they will be free from the burdens of discrimination and that their constitutional rights and human dignity will be respected. Eliminating foundational provisions implementing Section 504, as this direct final rule seeks to do, is in contradiction of Congress's clear understanding of the law. The direct final rule would encourage new construction that is inaccessible to people with disabilities. It would also upend decades of reliance on established accessibility standards, creating conflicts with other statutory and regulatory standards.

Existing regulations appropriately allow some flexibility with respect to existing buildings, while requiring new facilities to be fully accessible as measured by access standards. Over time, this approach advances Section 504's goal of reaching a more accessible society for people with disabilities. Congress has repeatedly reviewed and approved the regulatory standards that the Department of Energy (DOE) now seeks to delete, giving them the force of law. Federal courts have enforced the rules for decades. DOE may not lawfully eliminate foundational rules for the implementation of Section 504. Access standards are key to making new construction and alterations accessible. Architects and contractors need a comprehensive set of design rules to ensure that new construction and alterations are built to

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be fully accessible to people with disabilities. Accessibility is often a matter of inches, making the difference between inclusion and exclusion of people with disabilities. Without access standards, we will never reach the fully inclusive society intended by Congress in enacting and reenacting Section 504.

While there is no administrative process that would justify the narrowing of our civil rights laws or the permitting of discrimination, the use of the direct final rule process in this instance reinforces the inappropriateness of the agency's action. The direct final rule process is intended for noncontroversial rules that are unlikely to raise objections. Erecting new barriers to accessibility, as the direct final rule would do, is clearly controversial.

The Department of Energy's direct final rule, "Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities," must be immediately withdrawn, and the agency must instead focus on robust enforcement of the underlying law and existing regulation. If you have any questions or need additional information, please contact Liz King, educational equity senior program director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
The Leadership Conference Education Fund
The Advocacy Institute
AFL-CIO
AFT
Alliance to Reclaim Our Schools
American Association of People with Disabilities
American Atheists
American Humanist Association
Arab American Institute (AAI)
Aspira Charter Schools of IL
ASPIRA of the Mid-Atlantic
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law
Brown's Promise
Center for Public Representation
CenterLink: The Community of LGBTQ Centers
Civil Rights Project/Proyecto Derechos Civiles, UCLA
Clearinghouse on Women's Issues
The Community Equity Initiative at NYU School of Law
Disability Law Colorado
Disability Rights California

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Education Law Center-PA
Equal Justice Society
Equality California
Equality Ohio
Family Equality
Family Voices NJ
Feminist Majority Foundation
FL National Organization for Women (FL NOW)
Gibson-Banks Center for Race and the Law, University of Maryland Francis King Carey School of Law
Greater Orlando National Organization for Women (Greater Orlando NOW)
Honesty for Ohio Education
Impact Fund
Indianapolis Urban League
Japanese American Citizens League
Jax NOW
Justice in Aging
Lawyers for Good Government
Michigan Alliance for Special Education
National Action Network
National Association of Councils on Developmental Disabilities
National Association of Social Workers
National Center for Learning Disabilities
National Center for Youth Law
National Down Syndrome Congress
National Education Association
National Employment Lawyers Association
National Partnership for Women & Families
NETWORK Lobby for Catholic Social Justice
NMAC
North Carolina Justice Center
Parents Helping Parents
PolicyLink
Positive People Network, Inc.
SAGE
Service Employees International Union (SEIU)
Silver State Equality
SPAN Parent Advocacy Network
Teach for America
WorkLife Law