Transcript: Disability Community Briefing: Defending Section 504 & Civil Rights

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CLAUDIA CENTER: Good morning, everyone. My name is Claudia Center, she/her, White woman, over 50, and I am the legal director at Disability Rights Education & Defense Fund. There is so much going on right now, but we are very pleased to give a presentation today on defending Section 504 and Civil Rights.

As you all know, in the world of disability rights, our regulations are key to giving meaning to our laws. And so whenever there's an attack on our regulations, we need to be engaged and make our voices heard. Next slide.

Today, we are pleased to have, as speakers with us, Amy Robertson with Foxx and Robertson, and a collaborator with DREDF on this project. And Larkin Taylor-Parker, they/them, the legal director of Autistic Self Advocacy Network, ASAN, which is the short form for Autistic Self Advocacy Network, helped DREDF with our plain language template for comments, which we'll talk about in a moment.

So thank you to our presenters. Next slide.

I want to briefly review what we're going to talk about in today's webinar. We're going to talk a little bit about the history of our Section 504 rules and why they are so important to the disability community, and why they are essentially laws, because congress reviewed them and because the Agency took so much care in writing them.

So we're going to go through that. And that information may help you write a comment which we'll also train you about.

We're going to also explain Section 504's approach to the built environment. In other words, Section 504 came up with a way to compromise the challenge of the barriers in existing facilities versus the opportunity to make new construction alterations fully accessible.

We're going to review the Department of Energy's proposals rule making that weakens regulations in the area of disability, that's Section 504, in the area of Title VI, that's race and ethnicity, Title IX, that's sex discrimination and age discrimination.

We're going to train everyone how to file comments in the portal at regulations.gov, and we're going to make a video available after this webinar so that people can be supported. We're going to talk about making our voices heard through this process and other events, and we're going to have questions and answers. Next slide.

So I'm going to start the history of the Section 504 rules, and Amy's going to join me as well on this part. So the first Section 504 rules date all the way back to 1977, and if you've ever watched the power of 504, or Crip Camp, or any, you know, materials about the Disability Rights Movement of the 1970s, you know how important the 1977 regulations are.

These regulations were written by a department called Health, Education & Welfare, HEW, which doesn't exist anymore, but now we have something called HHS, and HEW, the agency that did these rules, did all kinds of careful analysis and consultation with the public and with any stakeholder, anyone with any skin in the game. They considered.

So they had -- they shared draft rules, they had ten public meetings across the country. They considered first 300 written comments on the first draft rules, and then they did a second draft rules and got hundreds more comments. Then they extended the comment period to let everybody make their voices heard. They had 22 more public meetings.

And then finally, after months and months, literally, from May 1976 to May 4, 1977, so basically almost a year, they then published the final rules at 45 CFR Part 84. So, you know, months of careful consideration. Next slide.

Off to Amy.

AMY ROBERTSON: Hello. So following the promulgation of the 1977 HEW regulations, the first Section 504 regulations, the president issued an executive order requiring HEW to issue coordination regulations, so requiring the HEW to issue a set of regulations that would essentially be a template for all of the other agencies that have to implement Section 504.

And I think we've said this, Section 504 prohibits discrimination by an entity that receives federal funding. So since federal funding flows through different agencies throughout the government, it was incumbent on all of these agencies to issue their own regulations enforcing Section 504.

And, in fact, that is -- the Section 504 coordination regulations were issued by HEW in January of 1978. They're now -- you can now find them, actually, at that site, 28 CFR Part 41. In 1981, I guess as part of the transition from HEW to HHS, the coordination regulations were reassigned to the DOJ.

So they're now the DOJ coordination regulations. They haven't really changed since 1978, but when we talk about coordination regulations now, they're from the DOJ.

Crucially, these coordination regulations require all the other agencies to issue their own Section 504 regulations and require that they -- coordination regulations, so you have to -- each agency has to issue, and they have to use this template.

And so this set of coordination regulations also went through a very extensive

notice and comment process. They were published in June of 1977, and following an analysis of 50 different comments, and again, you know, with six months of time to review, HEW published the final rule in January 13th, 1978. And back to Claudia.

CLAUDIA CENTER: Thank you. Next slide. So we want to emphasize the role of congress in these regulations that go back to 1977, the HEW regulations for recipients of federal dollars, the people who get federal dollars, and the 1978 coordination regulations, which are the guidelines for the other agencies to follow.

So before HEW even put out its very, very first draft and they had several drafts, they met and talked with Senate and House committees. On May 5, 1976, there was a Senate hearing about the Section 504 regulations. In January, 1977, HEW sent a copy of the regulations to every member of congress. A few months later, they had done another draft of the rules, so they sent a copy of the revised rules to every member of congress.

And then after the rules were finalized, there were additional Senate and House hearings in September 1977, where HEW came and, you know, testified to the Senate and House committees about what's in the rules. And then fairly quickly in congressional time, the next year, in November 1978, congress reenacted Section 504 and added a number of provisions that made it stronger.

And the legislative history describes that legislation as essentially taking the HEW rules and making them into law. And the Supreme Court, in 1984, we have a citation on the slide, said that in the 1978 reenactment, the -- sorry, that congress intended to incorporate the regulations into the statute.

In other words, statute is kind of like the highest level of law, and regulations are an interpretation and an implementation. So if they're in the statute itself, that's stronger for us. So that's why we're pointing it out. Next slide.

And this is back to Amy.

AMY ROBERTSON: So carrying forward the history, as was required by the coordination regulations, again, first HEW, later DOJ, more than 80 federal agencies adopted Section 504 regulations. In each case, they were based on these coordination regulations, and each of these agency regulations included the provisions that the Department of Energy, that the Trump Administration is now trying to get rid of.

So, you know, the upshot, I guess, of what Claudia and I have just been talking about is they're getting rid of something that has been solidly a part of both, you know, disability rights history and the built environment since the late '70s. The very, very widely accepted and widely adopted regulations.

In June of 1980, accordingly, the Department of Energy adopted their Section 504 rules, and that site is current at 10 CFR Part 1040. It was proposed on -- in 1978. Over a year and a half of consideration, including 511 comments. And I think also one of the reasons Claudia and I keep stressing how many comments were reviewed and how much time was taken and how involved congress was is that what the Trump Administration and what the Department of Energy is now proposing to do.

Is just yank those -- a couple of those regulations out of -- you know, out of the use, to delete them, with basically no comments, with -- you know, one month for comments, and then another month for consideration of comments, and then we're done.

So as you think about comments, I think one thing to think about commenting on is how much thought and comment and review went into the regulations that they're now going to, like, just try to sweep away. The rule that was issued by the Department of Energy also included regulations relating to Title VI of the Civil Rights Act of 1964, and that would cover race, national origin and ethnicity, anti-discrimination, on those grounds, by recipients of federal funding.

And Title IX of the education amendments of Claudia, help me out here, some year, 1979? Which prohibited -- is that right?

CLAUDIA CENTER: Not sure.

AMY ROBERTSON: Not sure. Okay. We'll go with it. Which prohibits sex discrimination by educational institutions that receive federal funding. And then finally, I kind of one of the most important things that, you know, milestone that is very important to the current effort to undo these regulations is in August of 1984, the federal government, a group of four agencies in the federal government, published what are called the Uniform Federal Accessibility Standards, often referred to as UFAS. And these are essentially.

For those of you who have potentially heard, ADAG, used more commonly, these are a lot like the ADAG. They're really kind of the precursor to the ADAG. Very qualitative, easily understood standards that read a lot like a building code.

So, you know, even -- you have a regulation that says you have to build new construction to be readily accessible to and usable by people with disabilities. Well, what does that mean? UFAS tells you, just like the ADAG tells you, for example, doors have to be 32 inches wide. It's a number. If you build your door to be 32 inches wide, you're good. If you've built your door to be 30 inches wide, you're in violation.

Easy to take out your tape measure and figure it out. Ramp slope cannot be over 8 1/3 percent. So these are very clear directions with clear numerical values that tell covered entities how to comply with the new construction standards.

They're also, in that way, a safe harbor. So if you're a recipient of federal funding and you're building a building, you know that if you comply with UFAS, you're good. You've complied with the law. You're not guessing.

And so those were published in 1984, and then in December of 1990, the Department of Energy and 14 other agencies all at once, in one big, you know, rule making, adopted the UFAS. So again, you'll hear later that they're proposing to get rid them. They've been in place since 1990. Next slide, I think is also mine. Yes.

And so the key to the very strict new construction requirement is that it was part of a very delicately balanced compromise. Throughout the, you know, the negotiation of the regulations, later of the ADA, Title II and Title III of the ADA, the question of how you make the built environment accessible was complicated.

Because you obviously have, you know, several hundred years of existing facilities, many them very inaccessible. So the compromise that comes up first in these 1977 HEW regulations is that when you're building new, you have to build to be accessible. Or readily accessible to and usable by people with disabilities. Again, measured by access standards.

When you're making alterations, those, too, have to be accessible to the maximum extent feasible. And again, measured by those standards.

Under Section 504, existing facilities do not have to be entirely accessible, but the program does. And so a good example of this is if you have a university with a number of buildings, say, built in the '60s, you don't have to make every single old building accessible, but you have to make sure that every class that -- you know, that somebody who uses a wheelchair wants to attend is in an accessible location.

So you can comply with the existing facilities program access requirement by moving the class from, say, upstairs, an upstairs location, to an accessible location. And that is program access.

A key part of program access is that Section 504 regulations, and again, the ADA when it was passed, require covered entities to assess the level of access and put in place a plan called a transition plan to remove the barriers and to make their facilities as accessible as possible. And this self-evaluation and transition plan is another piece that is under attack currently by the Trump Administration. So back to you, Claudia.

CLAUDIA CENTER: Next slide, I think, is Larkin.

AMY ROBERTSON: Oh, Larkin. Sorry.

LARKIN TAYLOR-PARKER: Hey. So this regulation is a very delicate compromise. The history that you have been given is the history of a challenge, of people with disabilities wanting access, needing access to the very basic opportunity to exist in the world. To go places and to fully engage with society in that way.

Obviously, though, building access is one of the more taxing, one of the more challenging forms of creating accessibility, because once there's a built environment, once a building's been put up, once a floor plan is in place, there is challenge and expense in rendering that site fully accessible.

So what advocates and congress and agencies reached to deal with this innate difficulty is that it's obviously easier to build right the first time. And now that we have a lot of knowledge on how to make buildings accessible at a very granular level, what kind of room to turn and maneuver does a wheelchair need?

What height do bathroom sinks need to be? It's pretty doable to incorporate that in to new construction from the ground up.

So the compromise as to new buildings was that these standards would apply. New buildings would need to go up accessible. And as structures wear out, outlive their usefulness and their purpose, get replaced, this would tend to make the world more accessible over time, to make places that are covered by these regulations easier to get around in for people who need these physical access requirements.

But this compromise also acknowledges that dealing with old buildings is a real challenge, and therefore allows the flexibility of accessibility, full access, full inclusion, at a program level, not necessarily every inch of every old building that predates these regulations.

But, covered entities can't stay out of the compliance under these rules forever. The regulations do dictate that the covered entity has to make a plan to remove barriers, to ensure program access. And what this all supports is gradually greater physical access, fast and new buildings, slower, more negotiated through renovations, and sometimes through program access that doesn't involve access to every part of a structure over time.

But ultimately, these regulations had a really clear purpose, which was to open the doors to covered spaces and let people with disabilities go in going forward.

CLAUDIA CENTER: Thank you, Larkin, now we're going to dig into the actual proposal with Amy.

AMY ROBERTSON: Okay. So earlier, I guess last month, middle of last month, the Department of Energy issues what's called a direct final rule stating that they were going to withdraw the new construction and alterations regulation, and another part of the 504 regulations concerning the transition plan, the self-evaluation and transition plan.

And I'm going to -- looking quickly at the bottom of the slide, what they're trying to do is, in my view, is kind of sneak this by us. So they, in a direct, final rule, they published it in mid May. All of our comments have to be in by next Monday, June 16th. And if they don't get enough what they consider to be significant comments, the final rule takes effect.

And again, contrast that with all of the work and review and so on that has gone into these regulations over the past almost 40 years. So what is this DFR, Direct Final Rule, DFR, what does it do?

It's going to delete the part of the Department of Energy regulations that requires new construction and alterations to be readily accessible to and usable by disabled people. Part of that compromise that Larkin just explained.

So it -- and in explaining why they do this in the Direct Final Rule in the DFR, the Department says, well, we don't need a new construction standard. We don't need UFAS. We don't need our building code because we have this general anti-discrimination language. There's general language that says that you cannot discriminate against people with disabilities. A recipient cannot discriminate against people with disabilities because their facilities are inaccessible.

So what you have is they're trading this very specific language and the extremely specific numerical standards of the UFAS for this general anti-discrimination language. Don't discriminate in your facilities.

And my view is this is going to do two things. This is going to affect -- negatively affect both people with disabilities and covered entities. The recipients are going to be in a lot of trouble.

For people with disabilities, it's likely that over time, any kind of buildings built or altered by people getting funding from the Department of Energy will start to be less and less accessible. They don't have the UFAS. They don't have a specific requirement for new construction. So my strong sense is they will be less and less accessible.

But this is also very challenging and confusing for the recipients because right now, only the Department of Energy's new construction and use of UFAS are under attack. So they'll -- you know, a lot of these recipients will still be subject to other agencies '504 regulations.

And then many are also covered by Title II or Title III. For example, as you can imagine, some of the biggest recipients of funding from the Department of Energy are large state universities with sort of research grants on energy topics.

And so these state universities are going to get funding from all over the place, so they're going to have other agency 504 regulations that they have to comply with, and they're also covered by Title II of the ADA which covers state and local government entities.

So they are going to be open to litigation challenge and litigation both when they fail to comply with UFAS or the ADAG, under Title II, and potentially by someone coming in and saying, like, maybe you complied with ADAG, but I don't think your facilities are accessible.

The DFR, this new rule, is going to put in place a general anti-discrimination standard for facilities. And you remember the example of the 32-inch door, right now, facilities built under Section 504 or Title II or Title III, if your door is at least 32 inches wide, you're good. That door is compliant.

If you get rid of the UFAS and you only rely on a general anti-discrimination standard, it's certainly possible that someone with a non-conventional mobility device could come in and say, hey, that's not wide enough for me. You're discriminating -- your 34-inch door discriminates against me because I need a 36-inch door.

So suddenly the question of what is accessible in the built environment is thrown into confusion. And I think Claudia will share later the template comments that we've drafted. One court in particular said with respect to these standards, you know, we have these standards so courts are not the ones drafting the standards.

If you don't have UFAS, what will you have is each judge in each case deciding what is and isn't accessible. So I think in addition to the fact that this is a -- you know, a frontal attack on some of our most important regulations, it's also just throwing the question of accessibility in the built environment into disarray.

The other piece of the 504 regulation that is being deleted in this DFR is the part that requires a transition plan. And that's -- even though the deadline was decades ago and there are a lot of covered entities that sort of dropped the ball on that one, it's still important that they have this requirement.

And, in fact, I would say it's important, again, both for people with disabilities who want to use the facilities, and for the owners and operators and entities whose facilities they are.

What this does, this self-evaluation and transition plan, gives them a way of knowing what's wrong and having a plan to make it work better, and in so doing, having a plan to make yourself less open to challenge and to litigation. So I think this is, again, it's an attack on a very important method of enduring gradual transition to accessibility, and it's also something that is going to cause confusion and potential litigation on the side of the covered entities.

CLAUDIA CENTER: Thank you, Amy.

AMY ROBERTSON: Who's next? Back to Claudia. Thank you.

CLAUDIA CENTER: Yeah, back to me. So next slide. So as we all know, during this Administration, all different communities are facing attacks from the Administration and the agencies and this Department of Energy rule making is no exception to that rule.

And so the Department of Energy has also made a number of proposals regarding other civil rights laws. So the one I'm going to talk about first is Title VI of the Civil Rights Act, which says that recipients of federal dollars from agencies may not discriminate based on race, ethnicity or national origin.

And this goes back to the Civil Rights Act of 1964, and the regulations at issue, even though DREDF or I am not an expert in these regulations, I understand that the regulations go back to the late '60s and haven't changed since then. So even older than our Section 504 regulations.

So DOE, Department of Energy, again proposes to edit sections of the Title VI regulations through this procedure called Direct Final Rule that's supposed to be for routine or non-controversial changes. But, of course, that's not what they're doing.

So in the case of Title VI, they want to edit all the parts of the Title VI regulation to make it clear that only intentional discrimination counts as discrimination. And as one sort of application of that revision, DOE proposes to delete references to language access that recipients may need to take steps for language access. And I've included the citations on the slide.

And these references actually include braille, so I thought I would just share that since this is a disability community briefing. And I'm going to explain why this matters. Next slide.

So unintentional discrimination, and I think the disability community members can relate to this, is when the recipient of federal funds, the entity that's covered, makes decisions or maintains policies without considering the negative impact on people of color or immigrants. So it's kind of like that benign neglect, or just like disregard, indifference, that kind of thing, where the covered entity does something and it harms a group, you know, disproportionately compared to others.

But the entity doesn't really think about it one way or the other. So it's considered unintentional by the courts.

So one example would be that a county that gets federal financial assistance closes a hospital that serves a Black neighborhood, and that there's a disproportionate impact on Black residents of that county because the other neighborhoods still have local hospitals. So that would be an example.

Another example would be there's a prison system that gets federal dollars and they fail to ensure that limited English-proficient people have access to prison programs and activities, and that that causes a disproportionate impact on incarcerated people who are Latino, and therefore covered by Title VI.

So these are some examples, you know, from our point of view, we don't always think these decisions are truly unintentional because a lot of times people have spoken up and said, you know, we protest this, and so the actors, you know, often from our point of view know what they're doing, but in any event, courts consider these kinds of things often unintentional.

So this is why the Title VI unintentional type of discrimination is important. Next slide.

The Department of Energy is also wanting to make direct final rules about Title IX, which is the federal law that says educational programs that receive federal money may not discriminate based on sex.

So DOE proposes to eliminate sections that encourage recipients to take affirmative steps to increase participation in programs, where one or another sex is underrepresented. And this is, for example, particularly important in areas of STEM, which stands for -- let's see if I can do it -- science, technology, engineering and math -- I hope that's true. You know, very important areas of education where there are often programs to encourage women and girls to participate.

It also would delete a section that requires recipients to evaluate their programs and to remedy any sex discrimination, and it also would edit a section about athletics to remove a rule that girls may try out for a boys' team when there's no girls' team, and it's not a contact sport.

And this is relate d to sort of this greater attack on trans students and trans people by this administration. Next slide.

There's also a proposal on age discrimination. The Age Discrimination Act of 1975, similarly says that entities that receive federal dollars may not discriminate based on age, and the DOE proposes to delete parts of its age discrimination regulations, including sections that encourage recipients to increase participation in their programs, where there's limited participation based on age. And again, this is all through this direct final rule provision. Next slide. And let's see, who's on this one? Oh, Larkin, this is you.

LARKIN TAYLOR-PARKER: Oh, sorry. Had a little trouble unmuting there. So we want to talk through with you how to submit comments. The attacks on 504 are very disturbing, both this latest round through dplt administrative agencies, through federal agencies, rule making, and the kind of broader push that we're seeing.

But this is a situation in which there really is something you can do to stand up for the rights of the disability community. Anyone can submit comments.

And as my co-presenters have said, it's really, really important to do it this time, if at all possible, because of the nature of this process that's being used. This procedure is meant for really uncontroversial, routine things, but it's being used in this case in a very concerning, very malicious way to try to quietly sneak in these massive changes that would adversely affect our civil rights.

And if there isn't a lot of resistance, a big show that the disability community doesn't like this and will stand up to it, we're going to see more of this.

So the first thing to know is that the deadline is Monday. Monday at midnight Eastern. This is pretty usual for federal comment opportunities to have a midnight Eastern Time deadline. If you're not in the Eastern Time Zone, make sure you know what that means in the time zone where you live.

But even adding a few lines to the template and throwing something in after work on Monday is better than nothing in this case. Volume is important. So write your comments to DOE about the Section 504 rules. You can use DREDF's template. There is a standard version, a plainer-language version. Both are great.

And if you even want to go and read them, they'll give you a little more background, a little bit of a way to think about why we're arguing against this, and why advocates are so concerned.

But the most important thing in any federal comment opportunity is just to tell the truth and to tell the story of how this affects you. So anything that you can say about the personal impact of buildings that are covered by DOE funds, that are paid for with DOE funds covered by these regulations, is a great thing to share.

And your concerns about 504 in general, language about how the disability community cares a lot about what happens to 504 and all of its enacting regulations, and we are not pleased when those are threatened is very helpful.

The template will give you everything you need in terms of formatting. There is a little bit of a format that it's typical to follow for these, and there are a few things that have to be included. But DREDF's template has those, so you shouldn't run into any problems there.

A lot of times when people write comments, they start with a a little bit of a brief explanation of who they are, and again, why they care. And comments can come from an individual or an organization, whichever of those things you're writing as, just, again, who you are, why you care, why the accessibility of buildings matters to you. Next slide, please.

Here are the links to the comment templates. ASAN helped with one of them. Amy Robertson wrote another about access standards. These are, again, high quality. They will give you everything that you need in terms of formatting. Next slide, please.

CLAUDIA CENTER: And this one is back to me, Claudia. So the next piece, the next step, once you've written your comment, is to figure out where to submit your comment and how to submit your comment. And the easiest way for this rule making is to use DREDF's website. What you would do you would go to DREDF.org and scroll down until you see our action alert about Section 504.

And we provide the two links related to Section 504, where we are encouraging people to submit comments. There's one link that is the rule making about deleting the rules on new construction. And then there's a second link that is about deleting the rules on transition plans.

And we are going to stop the slides right now, and Tina is going to share her screen to walk people through the DREDF Web site so you know how to use it for this comment option, but also for future comment situations.

TINA PINEDO: Thank you, Claudia. This is Tina speaking. You can begin at Google and just type in DREDF to find our home page, D-R-E-D-F. If you're using a screen reader, I think it's about 14 tabs down. That is our second action alert under the latest from DREDF, because the deadline is right here. It's going to stay there up until the deadline.

When you open the page, you'll have all of the steps that Larkin talked about. There's a link to the plain language template, and there's also standard template language. So you can select all, strike the highlighted sections, those are to be prompts for you all to complete.

And then also, here and within the templates, there are the links to the actual regulations themselves. So it is a big, blue banner across the top, regulations.gov. And if you -- let's see. About five tabs down to comment, the button is blue. You select it. Comment. And then on our page, it has screen shots of this exact page telling you which one to select.

They have a recaptch here and then you submit the comment. Now, remember, there's two regulations that we're commenting on, so you want to open both them and do the same process for both of them.

CLAUDIA CENTER: Tina, could you go to DREDF and show people how to click for an action alert? Let's say it's, you know, a month from now.

TINA PINEDO: Yeah. You can use our category type to see all of the action alerts that we have up. There's actually a few that are -- maybe I should take down since you cannot take action on them anymore. But that's probably the easiest way to do it. And then we also send out e-mails, so if you go to our "About" tab, five down you can find the subscribe button, will just take you to a standard form. And we push out monthly E-mails with our top of the line action items we want people to take.

CLAUDIA CENTER: Thanks, Tina. We'll go back to slides now. We're on slide 19.

Okay. So another way to find where to submit your comment, and we really recommend just using DREDF's Web site, but, you know, if for some reason you need to not use it, you can go to regulations.gov and you can type in the document number for the rule making if you have it. Or you can click on an option called View All Recently Added Documents.

You can select the agency, which is the DOE in this case, and hit Apply, and then you can click on Only Show Documents Open For Comment. And that will get you down to 24 results, which is not too many to scroll through to find the relevant proposed rules.

You can also add a search term, nondiscrimination, to get down to the five rule makings from Department of Energy about civil rights. It's not a great -- I'm going to show you in a minute -- it's not a great search function. So you can always E-mail any of us to ask for help finding something on regulations.gov.

But if you could now pull the slides down, and I'm going to share my screen to show how to navigate regulations.gov. One moment.

Okay. I'm going to start on a Google screen and I'm just going to type in regulations.gov. And it will pull up a portal that at the beginning says, and I actually agree with this, make a difference, submit your comments and let your voice be heard.

And at the top of this portal is a search field that you can put in a search term. Now, unfortunately I've been practicing with this, and the search field is quite limited, but it does work very well if you happen to have the exact number for the rule making.

So I have that ready to paste in here. This is the exact rule making for the new construction and alteration deletion. I put that in there. I click Search, and up pops the rescinding new construction requirements right here. So that worked pretty well. That's if you have the number.

So I'm going to start over and let's say I've heard about something the Department of Energy is doing that sounds suspicious to me that I don't like, and I just want to find it on regulations.gov. So what do I do? So this is what I recommend. So start here on regulations.gov and click on Documents.

And then on the left, there are a number of options for how to refine your search. And so I'm going to scroll down to one of the last options, or I guess it's the last option, which is agency.

And so I'm going to try and -- I'm going to select Department of Energy, because that's what I've heard about in a news article in my hypothetical. So I'm going to hit, See More, and a box pops up. It says, Find an Agency. And I'm going to scroll down. There's a lot of agencies. And I'm going to scroll until I see Department of Energy.

Okay. I'm going to click on that and I'm going to hit Apply.

Okay. So there's still many documents, but if I click on Only Show Documents Open For Comment, which is an option in this left bar that lets you refine the documents result, you can see that it's down to 21 options. And so if you scroll down, oh, here's the one on sex discrimination that I mentioned. Scroll down a little bit more.

Here's the age discrimination one I mentioned. Scroll down. This one is the Title VI plus Section 504. They're not -- they made a mistake and they put two different statutes in this one. Here's that sports one. And here's the new construction one.

So like I mentioned, if you add the word "nondiscrimination" to the search field and hit Search, that word actually works to -- and you click Only Documents Open For Comment, that works to pull up all five, but when I tried Section 504 or any -- it did not work. So do not recommend relying too much on the search field.

So that just gives you a sense of regulations.gov and how to navigate it to focus in on the agency you're interested in and where I'm circling with my cursor the documents open for comment. I'm going to stop my share and we'll go back to slides now.

And the next slide is Larkin.

LARKIN TAYLOR-PARKER: Thank you. Just pulling it up. I really do recommend using DREDF's Web site, but regulations.gov, while it can look a little intimidating, isn't as bad as it seems once you get used to it. And navigating around it is a good skill to have because sometimes you may want to comment on things.

I also agree with what it says at the top of the page. This is a way to interact with the federal government as a member of the public that can be really important. It can make a difference. So if you want to file your comments through regulations.gov, if you want to take that pathway, the easiest thing to do is not going to be to try to pull it up using the search box.

If you want to use the search box, grab the specific numbers off of the comment templates. That's going to be the easiest way to do it. Because if you just try to keyword search, you're going to get buried in a bunch of unrelated regulations and the results.

But instead, the better idea would be to just use the link that we've given you, and it should take you straight there. Next slide, please.

You're going to want to click on the comment button, which is circled on this slide. Next slide, please.

The next screen will give you the option to write a comment. If you want, you can put what you have to say right in the chat box. What I like to do, though, is I write my comment up in my word processing software of choice, Microsoft Word, Google Docs, something like that, and that way you're not counting on your browser caching things to give you time to edit and think about it.

If you're lucky enough to be in a position not to scramble to submit something after work, after, like, between the end of your workday and the midnight deadline on Monday. If you're going to think this over and work from one of the templates and tweak it a little bit over the weekend, I would not recommend using this comment box.

I would suggest that you work in a document where you can save, you can walk away and come back to it more easily, and you scroll down and when your document's ready, you just run a PDF of it. You save it as a PDF, and then you upload it using the attached files box.

Next slide, please.

So this is what it would look like if you wanted to use the comment box to write your comments out. And if you are rushing to get something in by the midnight deadline, you only have time to get a few lines jotted down. Again, this might be the way to go.

If you have a little more time on your hands and you're going to use one of the templates, I would just upload it as a PDF and what I would put in this box is, "See Attached." Next slide, please.

This is getting into what I was saying about submitting your document as a Word file or PDF. I like to use PDF documents for this because you know that they're going to format right when someone opens and reads them. Nothing weird will happen with how everything winds up on the page. So if you scroll down, this box is where you upload that. Next slide, please.

Then there's a form you have to fill out. There's always -- there's almost always going to be a form when you're interacting with the government. But this one is very short. It's not arduous. You'll need an E-mail address. You'll need to say whether you want your comment attributed to you. Submitting comments as -- submitting comments anonymously is an option.

I tend to think that comment submissions tied to the name of a specific person or organization are a little bit more powerful. If you're comfortable doing that, I would really encourage it. ASAN submits public comments all the time, and we do it under our name as an organization. I've submitted comments on federal regulations personally, and I've used my real name.

And the reason I think it's better to do that if you can is that when somebody is willing to stand behind someone -- something publicly, or oppose something publicly, that makes a much stronger statement that people really care about this. The public is concerned about this. Than anonymity. But anonymity is an option if it's what you need to do.

But assuming you want your comment attributed to someone, you're going to need to select whether you're doing this as an individual or on behalf of an organization. And then it's going to ask for -- it's going to ask some questions about basically why you care.

So under organization, if somebody is submitting comments on behalf of an organization, it's going to ask the organization type. It's going to ask the organization name, and there's captcha down at the bottom of the form.

CLAUDIA CENTER: Let's do next slide.

LARKIN TAYLOR-PARKER: For an individual, similar. It's going to ask who you are and where you live. And it's going to request where you live and the phone number that it also requests are not mandatory parts of the form, I don't think. But if you click this submit as an individual button, you will be required to provide a first and last name. Next slide, please.

Then there's the captcha button and then down here at the bottom, submit comment. And don't click the submit comment button until you're ready, you feel good about your submission. Though this is one of those cases where, again, a large volume of comments is the important thing. I would not overthink it. Next slide, please.

CLAUDIA CENTER: So we're actually going to stop slides for a moment and switch back to screen sharing. I'm going to show how to file a comment. We're actually going to file DREDF's comment right now. So I'm going to share.

Okay. So on the screen, I've shared screen to the new construction rule making that we've shown. This is the link on DREDF's Web site you can use to get to this portal.

So I am clicking on the blue comment bubble or box, rather, and it says, write a comment. And then this is that comment box that is only 5,000 characters. It says comment. So we have a longer letter for DREDF that my colleague and friend here, Amy, helped us write.

So I'm just going to write in this box, because there's a star, it's a required box, attached are comments by Disability Rights Education & Defense Fund. Okay. So that's all I'm going to put in that required comment box.

And then I'm going to browse to get my file, which I know is ready in my 504 folder here. Let me just make sure. Yes. This is the version I want. So I have uploaded my file and you can see -- oh, upload failed. Okay. I'm going to.

TINA PINEDO: It doesn't like when you put brackets. So when we did the accessibility pass and we got an accessible.

CLAUDIA CENTER: Okay. I am going to quickly rename the file.

AMY ROBERTSON: It's actually great to see some problem solving here.

CLAUDIA CENTER: Yes. Exactly. Okay. So now I'm going to go back to the portal. I'm going to X out this -- yes, I'm going to delete it. And I'm going to browse and try again. Okay. It liked that one. I get a green dot.

Did you attach files that contain comments from more than one entity? No. E-mail address, I'm going to include my work E-mail address. Opt to receive? Yes. I would like to receive confirmation. I'm submitting as DREDF, so I'm going to hit organization. And then it says, organization type with a drop-down menu, and so it's sort of funny, because one of the organization types is organization, which doesn't really make sense, but since we don't fit any of the other ones, I'm going and then I'm going to hit the recaptcha. I'm going to look and make sure that everything seems filled in.

AMY ROBERTSON: I think you need your organization name.

CLAUDIA CENTER: Organization name. Disability Rights Education & Defense Fund. And that's a required field. So they would have told me I hadn't done it. So now I'm just scrolling up and down to make sure I've done everything. Now I'm going to --

TINA PINEDO: I think -- oh, wait. Never mind. You got it.

CLAUDIA CENTER: And now I'm going to hit the blue Submit Comment box. So it says submitted successfully. So I'm going to stop share and we're going to go back to the slides. And I think I have one more slide. I mean, and then there are some other ones, I think.

Okay. So we did the first link in that demonstration -- well, it wasn't a demonstration. It was real. We really did just submit DREDF's comments. But we're also going to be submitting to a second place because there's a second link that eliminates the requirement for a transition plan, which we also think is important.

I'm not going to do that right now because I'm going to add some comments about the Title VI, race discrimination -- race, national origin and ethnicity discrimination. And I haven't done that yet, so I'm going to wait and submit both the large comment that I did -- that I just showed you, and is we're going to add some content about Title VI.

But we would like all of you to make your comment in the second place because we also oppose the deletion of the requirement of a transition plan which, again, is the rule that covered entities have to make a careful plan about removing barriers. Next slide.

Here are some comments on -- sorry. Let me start over.

This slide includes information about how to file comments to defend Title IX, which, again, is the federal law that prohibits sex discrimination in education programs that get federal dollars. So the National Women's Law Center has set up two portals. Their portals are really flashy because you can literally just use their portal, and their portal communicates with regulations.gov. You don't even have to do all what we showed you.

And the first one opposes the affirmative action deletion. That's the one, for example, that might block efforts to encourage girls to participate in STEM programs, which is very important. And then the second one is an opposition to the deletion of the provision that allows girls to try out for boys' teams when there's no girls' team, and it's not a contact sport, and vice versa. And this is related to the administration's attacks on trans students. Next slide.

If you want to file comments to defend Title IX not using the National Women's Law Center portal, we have links to the two rule makings here that I previously described and you will receive the slides, and our slides will be posted shortly on our Web site, and you can use these links to access the rule making on sex discrimination.

Next slide. As I mentioned, there's also an age discrimination rule making. You can make a comment there. When I looked the other day, there was only one comment in this rule making. So it's on my list to file something at least as an individual. And it deletes the section that encourages recipients to increase participation in their programs where there's limited participation based on age. Next slide.

This, I think, is not me.

AMY ROBERTSON: I think you had both of us.

CLAUDIA CENTER: Okay. Go for it. Amy, why don't you go for it.

AMY ROBERTSON: Yeah, I think we'll both -- possibly all three have things to say. I think one of the dangers of trying to digest the fire hose of information, and the fire hose of sort of bad acts coming out of the Trump Administration is it can start to feel like, you know, some of the laws that protect us are already gone. But they're not. This is one part of one regulation of one agency. It's very, very important because we need to make a stand for this regulation to try administration

Of the American -- the Americans with Disabilities Act, Section 504, and IDEA. And I think, you know, if our comments don't succeed, the next step is going to be litigation, and I like our chances there. So don't -- you know, don't let the fog of depressing information out of the D.C. in any way convince you that we don't have rights. We do still have rights under statutes, under other regulations, under state law. Keep fighting for your rights.

LARKIN TAYLOR-PARKER: I want to agree with Amy, and also add a bit to that. These are very frightening times. It's not easy, and the threats to our rights are real. That's why we're calling on you to take action in this way, and in other ways that we've asked you to help our advocacy efforts.

And I'm sure we're going to call on you again in the future. Probably soon. But we're not creating make-work assignments for you. When we call on you for help, it's because we think that there is a genuine opportunity to make a difference, and this is one of those situations.

It's both true that this is a dangerous and disturbing time for civil rights, and that there are still things that we can do to stand up for ourselves, to defend our rights. All is not lost. It isn't over. So please, to the best of your ability, answer these calls for help, this one and the others that go out to you, because we're not in a hopeless situation. But our situation becomes much more hopeless if we stop trying.

This is a good time to turn to lawyers if you have a legal problem, particularly if you have a legal problem where an administrative complaint, a civil rights complaint that you might normally file may be adversely affected in terms of how fast the agency is to respond and how likely there is to be action on it by all of these cuts at agencies.

Don't hesitate to reach out for legal resources if you think that you have a problem that would benefit from a lawyer's involvement. And remember that our community has a long track record, a very long history of standing up for itself. That's how we got these rights in the first place.

We are not only not giving up, planning to continue to protect ourselves, but we may also need to show leadership in this broader struggle, as we have an executive branch that's reaching and grabbing for more power. We can draw on our history not only to protect ourselves, but to shore up and strengthen and encourage and educate others. Thank you so much for joining us, for listening to this.

And please do try to get your comments in by Monday.

CLAUDIA CENTER: Next slide. So this is Claudia. I couldn't agree more with Larkin and Amy, and, you know, now is the time to make our voices heard. We want you to file comments opposing the Department of Energy's proposal.

We want you to find your elected representatives and contact them. And we have a tool that you can use in the PowerPoint to find your elected representatives if you're not sure who they are. Tell your elected representatives you care about civil rights for everybody. You care about disability rights. And, of course, tell your elected representatives to defend Medicaid against billions in cuts. And this fight is now at the Senate. Next slide.

Another way to make your voice heard is to attend a protest or a rally, if you are able. I've included here a few upcoming rallies. There is a rally tomorrow, June 11th, in Washington D.C. at 11 a.m. at the Upper Senate Park called the Healthcare Cuts Will Kill Rally.

Next week, June 16th, there's a rally in Sacramento, California. I will be there. The California Disability Leadership Alliance Day, 11 a.m.

In June 24 -- on June 24th, 2025, United Spinal does its United Spinal Roll on Capitol Hill in Washington D.C.

Every Monday, there is something called -- or actually, maybe it's only certain Mondays, based on the slide here, but there's something called Moral Mondays, which is a gathering in D.C. that is sort of fighting all of these actions. Next slide.

So this is a disability community briefing and we know that our ADA anniversary is July, and so ADA anniversary means that we have disability community events where we can join these events and make our voices heard. We have July 21, 2025, the National Council on Independent Living is having its rally. I'll be at this one as well, gather at 2 p.m.

And you can contact your state and local disability organization and ask about what local rallies are happening. Or you can organize one yourself. And DREDF will be trying to promote and share information about any such actions. Next slide.

Okay. We're now at the question and answer. And I wanted to talk about some of the questions we've seen in our question and answer portal. One question is how much do you suggest people add to or change the template letters?

I have heard that the feds are increasingly using AI to review comments, and if comments are too similar, they write them off as basically addressing the same thing. So my response to this is that it's really important that people make the comments their own, and particularly to describe why they care about the topic, and to say a little bit about who they are in the comment. And we've, you know, indicated that in this training and in our templates.

So beyond that, you know, the feds -- the agency is going to do what the agency is going to do. We can't control that. So it may be that the agency says, well, these, you know, 100 comments all make the same point that the, you know, new construction regulation is important, and they use some similar sentences.

I mean, that's not the end of the story. We are building a record in the administrative record. We're building that record to reflect our voices, and we are pushing the agency to hear us. We are telling reporters, you know, there are, you know, hopefully there will be -- we know there are already hundreds of comments filed. And we want it to be thousands by Monday. So we're going to tell reporters there are many, many comments filed.

So this is more than just whether the feds use AI and try and minimize our comments. This is about the agency, about putting pressure on the agency, about making our voices heard, about building the administrative record, about telling media, and so on.

So it is important to individualize it, but beyond that, I don't think we should worry about that. I think we should just plow forward and file as many as possible. Does anyone else on the -- have a comment?

LARKIN TAYLOR-PARKER: I would say that it's always been more powerful to file a significantly individualized comment. This may make that even more pronounced, even more important, but I don't think that any such AI filter would necessarily change that much.

As Claudia said, stating a reason why you in particular care that's different from why the whole world might care is already one of the most powerful things that you can do, not just in this comment opportunity, but in any comment opportunity.

CLAUDIA CENTER: Thanks, Larkin. This is Claudia again. We had a question about whether these 504 attacks are a canary in the coal mine, or lead up to a run at the ADA. You know, I think that all of these attacks on civil rights, including this rule making, are sort of trial balloons. You know, they're seeing what they can get away with.

This is happening in other contexts, for example in L.A., in California right now, and so the amount of pushback is going to be important for what happens down the road. So if we can try to draw a line in the sand and say no, no, no, you are not going to delete these regulations, you know, it may be just one step, but if we can draw a line in the sand, it may prevent or help prevent future attacks on 504 or the ADA or anything else. Do any of my colleagues have further on that?

AMY ROBERTSON: I think that's exactly right. You know, if it comes to it, if there is an attack in Congress, that's another reason why a massive number of comments is important. And, you know, that -- you know, we would be able to show that even, you know, a single regulation got an enormous pushback. So, you know, hey, you know, Representative or Senator, be ready for a massive pushback if you try to mess with the ADA.

LARKIN TAYLOR-PARKER: And this administration's backed down in the face of large-scale push-back before. We need to keep it up.

AMY ROBERTSON: I don't know if anybody has seen the meme going around, the acronym TACO, which apparently is making Trump unhappy. Trump Always Chickens Out. We'll see. I mean, we'll see what happens in L.A. but he certainly has backed down from a number of attacks when he faced resistance. And a lot of the other things he's done have been defeated in court. So when we fight, we win, and so we gotta keep fighting.

CLAUDIA CENTER: I'm going to summarize some answers to some of the questions that were put in our Q&A box. We want -- I want to revisit the 5,000-character limit in the regulations.gov portal.

That character limit applies when you type in your comment in that first comment field that we showed you. So if you have a short comment, which you may have, a short comment about how, you know, I'm a wheelchair user, this rule is very important to me, please don't change it, and that's all you want to say, you can type it in to that comment field right at the beginning. And you don't have to attach a file.

You just have to stay under 5,000 characters. And that's totally fine. That counts as a comment. If you attach a file, you can attach, you know, a long document that could be, you know, many times longer than 5,000 characters. So that's how that 5,000-character limit works.

There's a question about what tools might be added to the DREDF website. We are juggling a lot of things right now. It's quite a time, as we all know, to be advocates, but we will try to add Laniey Finegold's blog to our website, under resources, which includes additional comments including a piece written by Amy that is about access standards in even more depth than we talked about here.

And may be useful for, you know, even covered entities to use or for access professionals to use. And we also want to as the National Women's Law Center tools to our "More Resources." So probably by the end of today we'll have those added. Does anyone -- we only have four minutes left. Does anyone else have some of our panelists, have any questions to answer or further comments? Amy, do you want to take a moment to describe your template that you just put in the chat?

AMY ROBERTSON: Sure. The DREDF template is brilliant and covers the entire, you know, both of the 504 regulations that are being attacked, and, you know, really unpacks that from the perspective of disability rights and the history of disability rights and case law.

What I wanted to do was dig a little bit deeper into the history of the standards, the UFAS Technical Standards, and so that's what -- this is a blog post with a link to a template that's a little more focused on those standards, and also -- I referenced this a little bit earlier in my comments, on the fact that this is going to have a very negative impact not only on people with disabilities but on the entities that are trying to comply with these standards.

So as Claudia mentioned, this template is something that could be used easily by an access professional by a covered entity that is, you know, the general counsel of a covered entity that is not looking forward to trying to figure out what applies and what doesn't to their built environment.

So yeah, that's a little bit of a maybe narrower focus than the DREDF comment if you're interested in doing that.

CLAUDIA CENTER: And this is Claudia. Just a final comment that document that we filed today together in this webinar, we will put that up on our Web site as well so people can read the longer, I think it's 12 pages, DREDF document written by me and by Amy of this webinar. And you can use that to inform your own comment, if that's helpful. So thank you, everyone, and this concludes the webinar.

AMY ROBERTSON: Thanks, everyone.

[End of Transcript]