

Disability Community Briefing:

Defending Section 504 & Civil Rights

June 10, 2025



Presenters

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Topics to Be Covered

- History of Section 504 rules
- Section 504's approach to buildings
 - Existing facilities
 - New construction and alterations
- Department of Energy (DOE) proposals
 - Section 504 (disability)
 - Title VI (race, ethnicity)
 - Title IX (sex)
 - Age Discrimination
- How to file comments
- Make your voice heard
- Questions and answers

History of Section 504 Rules

May 4, 1977: first Section 504 rules, 45 C.F.R. Part 84

- Written by Department of Health, Education & Welfare (HEW)
 - governs recipients of dollars from HEW (now HHS)
- May 19, 1976, HEW shared draft rules and analysis of economic impact
- HEW held 10 public meetings across the country
- Public submitted 300 written comments
- July 16, 1976, HEW published revised rules
 - analyzed 300 comments
 - revised proposed regulation for public comment
- HEW extended comment period from 60 to 90 days
- HEW held 22 public meetings – transcribed and reviewed
- May 4, 1977: HEW published final rule
 - analyzed more than 850 comments

History of Section 504 Rules (Part 2)

Jan. 13, 1978: second Section 504 rules, now at 28 C.F.R. Part 41

- Written by HEW; transferred to DOJ in 1981
- “Coordination” regulations
 - minimum guidelines for other agencies
- June 24, 1977: HEW published draft rules
 - based on May 1977 rule
- Jan. 13, 1978: HEW published final rule
 - analyzed 50 comments



Section 504 Rules – Brief History (Part 3)

Extensive Congressional review of Section 504 regulations

- Prior to May 1976 draft, HEW talks with Senate and House committees
- May 5, 1976: Senate hearing on Section 504 regulations
- Jan. 1977: HEW sends rules to every member of Congress
- Apr. 1977: HEW sends revised rules to every member of Congress
- Sept. 1977: additional Senate & House hearings
- Nov. 1978: Congress reenacts and strengthens Section 504
 - Legislative history describes bill as codifying rules

Supreme Court on Section 504 rules:

In enacting the 1978 amendments to Section 504,
“Congress incorporated the substance of the Department’s
regulations into the statute.”

– *Consol. Rail Corp. v. Darrone*, 465 U.S. 624 (1984)

Section 504 Rules – Brief History (Part 4)

- More than 80 federal agencies adopt their own Section 504 regulations
 - Based on the HEW regulations
- June 13, 1980, Department of Energy adopts Section 504 rules at 10 CFR Part 1040
 - Proposed rule on Nov. 16, 1978, reviewed 511 comments
 - Rules also cover Title VI (race, national origin, ethnicity) and Title IX (sex)
- August 7, 1984: the “Uniform Federal Accessibility Standards” were published
- Dec. 19, 1990: DOE and 14 other agencies agree to use UFAS as measure

Section 504 and the Built Environment: Foundational Compromise

- Different rules for “existing facilities” versus “new construction”
- New construction:
 - Must be “readily accessible to, and useable by” people with disabilities, measured by access standards
- Alterations:
 - Must be “readily accessible to, and useable by” people with disabilities, “to the maximum extent feasible,” measured by access standards
- Existing facilities:
 - More flexibility so long as disabled people can access programs and activities; recipients must carefully plan to remove barriers where necessary – this is called a “transition plan”

Section 504 and the Built Environment: Foundational Compromise (Part 2)

- Compromise balances equities and advances accessibility goals:
 - Making all existing buildings fully accessible would be challenging
 - Still need to provide access to programs and activities in existing buildings
 - program as a whole must be accessible (not every building)
 - entity must make a careful plan to remove barriers
 - New construction and alteration provides an opportunity to create a more accessible built environment going forward

Goal of Section 504: more accessible society going forward

Department of Energy Proposal re: Section 504

- Deletes 10 C.F.R. § 1040.73 regulation stating that new construction and alterations must be “readily accessible to, and useable by” people with disabilities as measured by access standards
- Deletes part of 10 C.F.R. § 1040.72 – the part stating that recipients must make a transition plan for removing barriers in existing facilities
 - This provision has a “deadline” of decades ago
 - Even so, advocates use the transition plan requirement as a tool or model in settlement agreements with institutional systems
- DOE: These changes may be approved quickly as a “direct final rule”
 - Direct final rule: something routine or noncontroversial

Department of Energy Proposal re Title VI

- Title VI: recipients of federal dollars may not discriminate based on race, ethnicity or national origin
- DOE proposes to edit sections of its Title VI regulations at 10 CFR Part 1040
 - Only “intentional” discrimination counts
 - Deletes references to language access at 10 C.F.R. § 1040.5(c) and § 1040.6(c) – these include Braille
- DOE says this is “direct final rule” (routine or noncontroversial)

“Unintentional” Discrimination Under Title VI

Description and Examples

- Recipient makes decisions or maintains policies without considering the negative impact on people of color and immigrants
- Examples:
 - County recipient closes hospital that serves Black neighborhood; disproportionate impact on Black residents of county
 - Prison system recipient fails to ensure that limited English proficient people have access to prison programs and activities; disproportionate impact on incarcerated people who are Latino

Department of Energy Proposal re Title IX

- Title XI: education programs that receive federal dollars may not discriminate based on sex
- DOE proposes to edit and delete parts of its Title IX regulations at 10 CFR Part 1042:
 - Delete 10 C.F.R. § 1042.110(b), section encouraging recipients to take affirmative steps to increase participation in programs where one or the other sex is underrepresented
 - Delete 10 C.F.R. § 1042.110(c), section requiring recipients to evaluate their programs and to remedy any sex discrimination
 - Edit 10 C.F.R. § 1042.450(b) to remove rule that girls may try out for boys' team (when there's no girls' team and it's not a contact sport)
- DOE says this is "direct final rule" (routine or noncontroversial)

Department of Energy Proposal re Age Discrimination

- Age Discrimination Act of 1975: entities that receive federal dollars may not discriminate based on age
- DOE proposes to delete parts of its age discrimination regulations at 10 CFR Part 1040:
 - Delete 10 C.F.R. § 1040.88(b) and (c), sections encouraging recipients to take affirmative steps to increase participation in programs where there is limited participation based on age
- DOE says this is a “direct final rule” (routine or noncontroversial)

How to File a Comment to Defend Section 504

First, check the deadline and make sure you have a plan:

- Here the deadline is **Monday, June 16, 2025**, at 11:59 pm Eastern Time (8:59 pm Pacific Time)

Second, write your comment to DOE about the Section 504 rules.

- Tell DOE why you care about accessibility. Explain why they should not get rid of the 504 rules.
- You can download a template and edit it to make it your own:
 - plain language template comment
 - standard template comment
- The most important parts of the comment are:
 - Telling DOE more about yourself and/or your organization
 - Say why you care about accessibility of buildings

How to File a Comment to Defend Section 504 (Part 2)

Where to find template comments:

- <https://dredf.org/action-alert-doe-civil-rights-and-section-504/>
 - ASAN helped DREDF write plain language template comment
- Additional templates comments available here, <https://www.iflegal.com/2025/06/energy-department-rollback/>
 - Amy Robertson wrote template about access standards

How to File a Comment to Defend Section 504

(Part 3)

Third, submit your comment online.

How do you figure out where to submit your comment?

The easiest way is to use DREDF's website:

- Go to [DREDF.org](https://dredf.org) and scroll down until you see the action alert, <https://dredf.org/action-alert-doe-civil-rights-and-section-504/>
- We provide the two links related to Section 504:
 - <https://www.regulations.gov/document/DOE-HQ-2025-0015-0001> is about deleting the rules on new construction
 - <https://www.regulations.gov/document/DOE-HQ-2025-0024-0001> is about deleting the rule about transition plans

How to File a Comment to Defend Section 504 (Part 4)

How do you figure out where to submit your comment?

Another way to find, go to [regulations.gov](https://www.regulations.gov)

- Type in document number if you have it: DOE-HQ-2025-0015
- Or – click on **Or view all recently added ... Documents**
- On the left toolbar, select the agency
 - Here, **Department of Energy**, and hit **Apply**
- Then click on **Only Show Documents Open for Comment**
- Scroll through 24 results to find relevant proposed rules
- Can add search term **nondiscrimination** to get to 5 results
 - 1 about Section 504; 1 about Section 504 & Title VI; 2 about Title IX; one about age discrimination
 - NOTE: search term function is very limited, for example, Section 504 will not work
- You can always email any of us to ask for help

How to File a Comment to Defend Section 504 (Part 5)

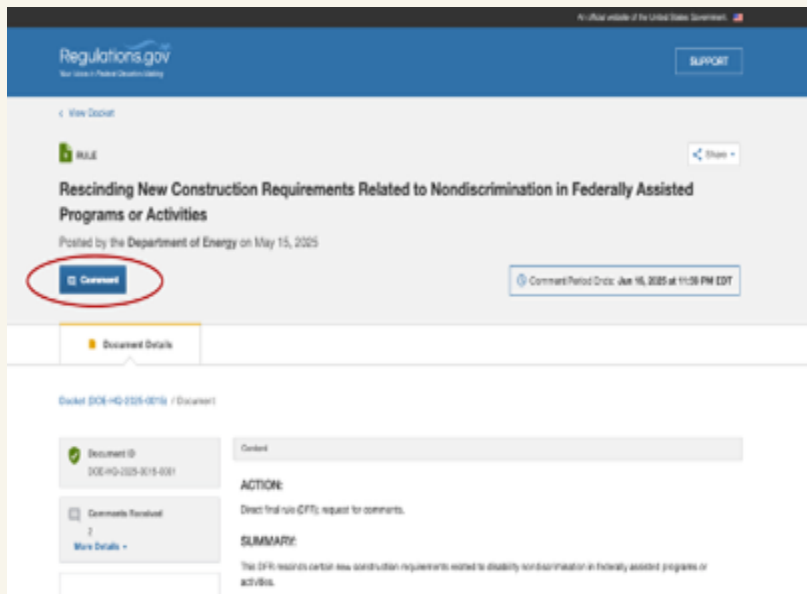
Step by Step on regulations.gov

Start on the link we gave you, <https://www.regulations.gov/document/DOE-HQ-2025-0015-0001>, it says **Rescinding New Construction Requirements** at the beginning

The screenshot shows the Regulations.gov website interface. At the top is a blue header with the 'Regulations.gov' logo and the tagline 'Your Voice in Federal Decision Making'. A 'SUPPORT' button is in the top right. Below the header, a breadcrumb link '< View Docket' is visible. A green icon with the letter 'R' is followed by the word 'RULE'. To the right is a 'Share' button with a left-pointing arrow. The main title of the rule is 'Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities'. Below the title, it says 'Posted by the Department of Energy on May 16, 2025'. At the bottom left is a blue 'Comment' button with a speech bubble icon. At the bottom right, a box states 'Comment Period Ends: Jun 16, 2025 at 11:59 PM EDT'.

How to File a Comment to Defend Section 504 (Part 6)

Click on the
blue **Comment**
button, circled
in red in the
picture



How to File a Comment to Defend Section 504 (Part 7)

The next screen will look like this, it will say at the beginning, **You are commenting on a Rule by the Department of Energy**

The screenshot shows the Regulations.gov website interface for filing a comment. At the top, the header includes the 'Regulations.gov' logo with the tagline 'Your Voice in Federal Decision Making' and a 'SUPPORT' button. Below the header, a grey bar indicates 'You are commenting on a Rule by the Department of Energy' and shows a 'Comment Period Ends: 8 Days' timer. The main title of the rule is 'Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities'. The 'Write a Comment' section includes a 'Commenter's Checklist' with a link to 'Public Comments on Federal Regulations: CF' and a large text area for the comment, with a character count of 5000. At the bottom, there is an 'Attach Files' section with a note: 'You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.'

How to File a Comment to Defend Section 504 (Part 8)

You can write your comment right in the **Comment** box if it fits. To fit, your comment has to be less than 5,000 characters.

Regulations.gov
Your Voice in Federal Decision Making

SUPPORT

You are commenting on a Rule by the Department of Energy

Comment Period Ends: 8 Days

Rescinding New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities

Write a Comment

[Commenter's Checklist](#)
[Public Comments on Federal Regulations](#)

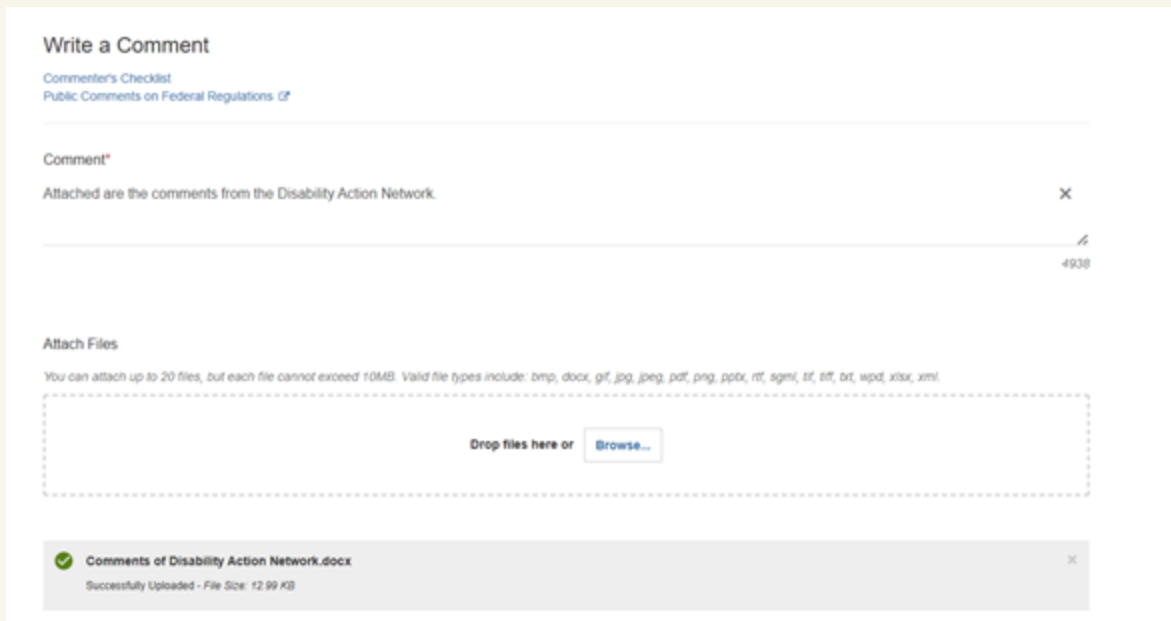
Comment*

I am a person with a disability who uses a wheelchair. I oppose this proposed deletion of the rule on new construction and alterations. It is critically important that new construction is fully accessible according to access standards. Otherwise new construction will be built with access barriers. The goal of Section 504 is for us to reach a more accessible society over time. Deleting the regulation will harm this goal.

4574

How to File a Comment to Defend Section 504 (Part 9)

You can also write your comments in a document like a Word or PDF file. The document can be longer than 5,000 characters. Then, you can attach the file with your comments. Write a cover note in the **Comment** box (required field).



The screenshot shows a web form titled "Write a Comment". Below the title are two links: "Commenter's Checklist" and "Public Comments on Federal Regulations". The form has a "Comment*" label and a text area containing the text "Attached are the comments from the Disability Action Network." To the right of the text area is a close button (X) and a character count "4938". Below the text area is a section titled "Attach Files" with a note: "You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgm, tif, tiff, txt, wpd, xlsx, xml." There is a dashed box for dropping files and a "Browse..." button. At the bottom, there is a green checkmark icon and a message: "Comments of Disability Action Network.docx Successfully Uploaded - File Size: 12.99 KB" with a close button (X).

How to File a Comment to Defend Section 504 (Part 10)

Then you have to fill out the rest of the fields

- Email address (optional)
- Whether you are an individual, organization, or anonymous
- If Organization, fill in:
 - Organization Type (there is drop-down menu with options and Organization Name

The screenshot shows the 'File a Comment to Defend Section 504' form, Part 10. It includes an 'Email Address' field with the example 'jsmith@disabilityaction.org'. Below this is a checkbox for 'Opt to receive email confirmation of submission and tracking number?'. The 'Tell us about yourself! I am...' section has three options: 'An Individual', 'An Organization' (which is selected and highlighted in blue), and 'Anonymous'. The 'Your Organization Information' section includes 'Organization Type' and 'Organization Name' (filled with 'Disability Action Network'). A reCAPTCHA is present. At the bottom, there is a disclaimer and a 'Submit Comment' button.

Email Address
jsmith@disabilityaction.org

☐ Opt to receive email confirmation of submission and tracking number? If you choose to identify as Anonymous, the option to receive an email confirmation will not be displayed. (We will never post your email address on Regulations.gov or share it with anyone else.)

Tell us about yourself! I am...
(Select an identity below)

☐ An Individual
Yourself or another person whom you represent with their consent

☒ An Organization
A company, organization, or government agency

☐ Anonymous
A person who does not want their name associated with the comment

Your Organization Information

Organization Type *

Organization

Organization Name *

Disability Action Network

Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available.

reCAPTCHA *

☐ I'm not a robot

Do not submit personally identifiable information through this form. Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via Regulations.gov, a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on Regulations.gov). By submitting a comment, you agree to the [terms of participation](#) and [privacy notice](#).


Submit Comment

How to File a Comment to Defend Section 504 (Part 11)

If Individual, fill in:


- First and Last Name
- City, State, Zip, Country, Phone (all optional)

Tell us about yourself! I am...
(Select an identity below)




An Individual
Yourself or another person whom you represent with their consent

☒




An Organization
A company, organization, or government agency

☐



Anonymous
A person who does not want their name associated with the comment

☐

 Your Contact Information

First Name * **Last Name ***

First Name Last Name

City **State** **Zip** **Country**

City Select a State Zip United States

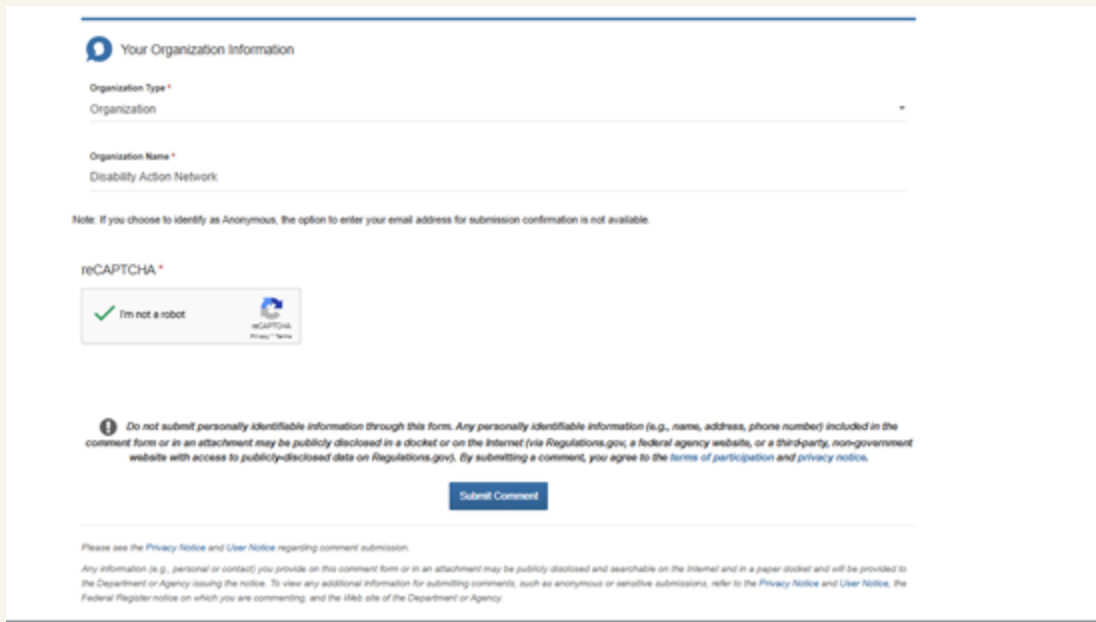
Phone

Phone

Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available.

How to File a Comment to Defend Section 504 (Part 12)

Finally, complete the reCAPTCHA (required) and click on the blue Submit Comment button:



The screenshot shows a web form titled "Your Organization Information". It contains two input fields: "Organization Type *" and "Organization", followed by "Organization Name *" and "Disability Action Network". A note states: "Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available." Below this is a reCAPTCHA section with a green checkmark and the text "I'm not a robot". At the bottom, there is a blue "Submit Comment" button. A disclaimer at the very bottom reads: "Please see the [Privacy Notice](#) and [User Notice](#) regarding comment submission. Any information (e.g., personal or contact) you provide on this comment form or in an attachment may be publicly disclosed and searchable on the Internet and in a paper docket and will be provided to the Department or Agency issuing the notice. To view any additional information for submitting comments, such as anonymous or sensitive submissions, refer to the [Privacy Notice](#) and [User Notice](#), the Federal Register notice on which you are commenting, and the Web site of the Department or Agency."

How to File Comments to Defend Section 504 and Civil Rights

We would like you to make a comment in a second place, see link below. This rulemaking eliminates the transition plan requirement for Section 504. It also changes the rules for Title VI (race discrimination):

<https://www.regulations.gov/document/DOE-HQ-2025-0024-0001>:

- Section 504: deletes part of 10 C.F.R. § 1040.72 which states that recipients must make a transition plan for removing barriers in existing facilities
- Title VI (race discrimination):
 - edits sections to state that only “intentional” race discrimination counts
 - deletes sections about language access at 10 C.F.R. § 1040.5(c) and § 1040.6(c), which also reference Braille

How to File Comments to Defend Title IX

You can use two portals set up by the National Women's Law Center:

- <https://act.nwlc.org/a/doe-titleix-comments1> – oppose deletions of provisions encouraging affirmative steps to include participants where one or the other sex is underrepresented, and requiring that recipients remedy sex discrimination – may block efforts to recruit girls into STEM programs
- <https://act.nwlc.org/a/doe-titleix-comments2> – oppose deletion of provision allow girls to try out for boys' team (when there's no girls' team and it's not a contact sport), and vice versa – related to Administration's attacks on trans students

How to File Comments to Defend Title IX (Continued)

<https://www.regulations.gov/document/DOE-HQ-2025-0025-0001>:

- Title IX (sex discrimination): deletes 10 C.F.R. § 1042.110(b), (c), and (d), sections encouraging recipients to take affirmative steps to increase participation in programs where one sex is underrepresented, and requiring recipients to evaluate their programs and to remedy any sex discrimination

<https://www.regulations.gov/document/DOE-HQ-2025-0016-0001>

- Title IX (sex discrimination): edits 10 C.F.R. § 1042.450(b) to remove rule that girls may try out for boys' team (when there's no girls' team and it's not a contact sport), and vice versa – related to Administration's baseless, harmful definition of "sex" and anti-trans attacks

How to File Comments to Defend the Age Discrimination Act

<https://www.regulations.gov/document/DOE-HQ-2025-0023-0001>:

- Age discrimination: deletes 10 C.F.R. § 1040.88(b) and (c), sections encouraging recipients to take affirmative steps to increase participation in programs where there is limited participation based on age

We Still Have Rights!

Federal laws like ADA, Section 504, and IDEA still exist! The Department of Energy cannot change statutes enacted by Congress or by our state Legislatures

- We can still:
 - Ask for accommodations
 - Complain about physical and program barriers that violate the law
 - File discrimination complaints with federal agencies, including the US Department of Justice and agency OCRs
 - File discrimination complaints with state agencies
 - File a case in state or federal court
 - Consult an attorney to assist with any of the above

Make Our Voices Heard!

File comments opposing the Department of Energy's proposals

Find your elected representatives and contact them!

- Use this tool to find your reps, [usa.gov/elected-officials](https://www.usa.gov/elected-officials)

Tell your elected representatives to defend civil rights

And tell your elected representatives to defend Medicaid against billions in cuts

- Get more information on DREDF's page, dredf.org/hands-off-our-medicaid/

Make Our Voices Heard – Protest!

- **Health Care Cuts will Kill Rally**

- Upper Senate Park in Washington, DC | June 11, 2025
- Gather at 11 am ET
- mobilize.us/mobilize/event/798010/

- **California Disability Leadership Alliance Day**

- State Capitol (West Steps) in Sacramento, CA | June 16, 2025
- Gather at 11 am PT eventbrite.com/e/california-disability-leadership-alliance-cdla-day-tickets-1374713106909

- **United Spinal Roll**

- Capitol Hill in Washington, DC | June 24, 2025
- unitedspinal.org/roll-on-capitol-hill/

- **Moral Mondays**

- Washington, DC | June 30; August 4; and September 8
- breachrepairers.org/get-involved/events/moral-mondays-in-dc/

Make Our Voices Heard – Protest! (continued)

- ADA anniversary = disability community events
 - July 21, 2025, National Council on Independent Living rally
 - Gather: 2:00 pm 11th + G Streets NW, Washington, D.C.
 - March: 3:00 pm
 - Rally: 4:00 pm US Capitol
 - Contact your state and local disability organizations and ask about local rallies! Or organize one yourself!
 - State protection and advocacy agencies, <https://www.ndrn.org/>
 - Independent living centers, <https://ncil.org/>

Questions?