

# NATIONAL ALLIANCE FOR CAREGIVING

Making Caregiving More Sustainable, Dignified, and Equitable



June 16, 2025

Chris Wright, Secretary  
Department of Energy  
1000 Independence Avenue SW, Room 5B-168  
Washington, DC 20585

Attn To:

Mr. David Taggart, Deputy General Counsel for Litigation  
Department of Energy  
Office of Civil Rights and EEO and  
Office of Minority Economic Impact  
1000 Independence Avenue SW  
Washington DC 20585

RE: Docket Number [DOE-HQ-2025-0015](#) (New Construction Requirements Related to Nondiscrimination in Federally Assisted Programs or Activities)

Docket Number [DOE-HQ-2025-0024](#) (Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions))

Dear Secretary Wright and Mr. Taggart,

On behalf of the National Alliance for Caregiving (NAC), a national membership-based organization focused on building health, financial, and community well-being for family caregivers through research, innovation, and advocacy, **we appreciate the opportunity comment in strong opposition to the direct final rules at Docket Numbers DOE-HQ-2025-0015 and DOE-HQ-2025-0024.**

At NAC, we envision a society that values, supports, and empowers the fifty-three million family caregivers to thrive at home, work, and in life. Family caregivers provide informal, usually unpaid, care and support to aging family members, people with disabilities, and people of all ages, and NAC represents the one in five Americans (an estimated 53 million Americans) who make up our nation's community of unpaid family caregivers.<sup>1</sup> Family caregivers, who often go unrecognized, form the backbone of our long-term care system, and it is most often families and families of choice who help older adults and people with disabilities or serious needs manage their health and wellness in their homes and communities.

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<sup>1</sup> AARP and National Alliance for Caregiving. Caregiving in the United States 2020. Washington, DC: AARP. May 2020. <https://doi.org/10.26419/ppi.00103.001>

The proposed rules to rescind critical portions of the Department of Energy (DOE)'s regulations implementing Section 504 of the Rehabilitation Act pose a meaningful threat not only to individuals with disabilities, but also to their caregivers who are charged with helping them navigate everyday situations and are also burdened by the inability to access public facilities.

Docket Number 2025-0015 would rescind 10 C.F.R. § 1040.73, which requires recipients to ensure that new construction and alteration is fully accessible to people with disabilities. Docket Number 2025-0024 would rescind portions of DOE's program access rule for existing facilities at 10 C.F.R. § 1040.72(c) & (d), including the requirement to make a transition plan to eliminate access barriers in these existing facilities. Both of these standing requirements support individuals beyond those who directly benefit, including their caregivers who may also experience a disability. Thirty-three percent of caregivers report having a disability, including nearly 36 percent of caregivers aged 65 years and older and nearly 32 percent of adult caregivers aged 45 to 64 years.<sup>2</sup>

We believe that the proposed rules are unlawful because "Direct final rules" must be routine or noncontroversial. These proposals jeopardize foundational principles and provisions of Section 504 in contradiction of Congress's clear understanding of the Rehabilitation Act,<sup>3</sup> which is neither routine nor noncontroversial.

**Section 504 is a crucial civil rights provision of the 1973 law that expressly prohibits discrimination based on disability in programs and activities receiving federal financial assistance.** The requirement that newly constructed and altered facilities be fully accessible to people with disabilities, as measured by applicable access standards, is central to this purpose. As important is the requirement that recipients of federal funds undertake careful accessibility planning to remove barriers in existing buildings. **The proposed rules would encourage new construction and alterations that are inaccessible to people with disabilities and place undue burden on their caregivers.**

Reversing this rule would also threaten decades of well-established accessibility requirements and undermine other statutory and regulatory standards ensuring full accessibility for people with disabilities and often their caregivers to vital healthcare, education, and other services. Congress has repeatedly reviewed and approved the regulatory standards that DOE now seeks to delete, giving them the force of law.<sup>4</sup> Federal courts have enforced the rules for decades. DOE may not lawfully eliminate foundational rules for the implementation of Section 504.

Compliance with access standards in both existing and new construction, and critical to advancing the foundational goals of Section 504. Access standards are key to making new construction and alterations accessible for people with disabilities, older adults, and their

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<sup>2</sup> National Association of Chronic Disease Directors and the Centers for Disease Control and Prevention. *Caregiving for Family and Friends — A Public Health Issue*. February 2019. <https://stacks.cdc.gov/view/cdc/85158>

<sup>3</sup> "[E]limination of architectural barriers was one of the central aims of the [Rehabilitation] Act." *Alexander v. Choate*, 469 U.S. 287, 297 (1985).

<sup>4</sup> *Rail Corp. v. Darrone*, 465 U.S. 624, 635 nn.15 & 16 (1984)

caregivers. Accessibility or inaccessibility is often a matter of inches, making the difference between inclusion and exclusion of people with disabilities and their loved ones.

Furthermore, the proposed rollback of these requirements would create conflicting and confusion enforcement standards among recipients of federal financial assistance from the DOE, which include many entities that receive funding from other federal departments and agencies, and/or that are subject to the requirements of the ADA. **The long-established, congressionally mandated, and legally settled regulatory requirements that new construction and alteration be fully accessible would be destroyed by the proposed “Direct final rules.”** Ensuring that new construction and alterations are fully accessible to people with disabilities, older adults, and those who support them in the community is critical to advancing the goals of Section 504 of the Rehabilitation Act.

On behalf of America’s 53 million family caregivers and the older adults and people with disabilities that they support, we strongly oppose the direct final rules at Docket Numbers DOE-HQ-2025-0015 and DOE-HQ-2025-0024. We appreciate the opportunity to voice our staunch opposition to this proposal and implore DOE officials to withdraw this rulemaking.

Sincerely,

A handwritten signature in black ink that reads 'Jason Resendez'.

Jason Resendez  
President and CEO  
National Alliance for Caregiving