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June 16, 2025

Chris Wright, Secretary  
U.S. Department of Energy  
c/o David Taggart  
Office of the General Counsel  
1000 Independence Avenue SW  
Washington, DC 20585

**RE: Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions) DOE-HQ-2025-0024**

To Whom It May Concern:

On behalf of the members and supporters of the American Association of University Women (AAUW), we submit these **significant adverse comments** opposing the direct final rules at Docket Numbers DOE-HQ-2025-0015—most notably 10 C.F.R. § 1040.73, which requires that all new or altered facilities financed with DOE funds be accessible to people with disabilities.

For nearly 145 years, AAUW's mission has been simple yet profound: to break down every barrier that keeps women and girls from learning, leading, and thriving. Disability justice is central to that mission. Women and girls with disabilities are doubly marginalized, earning less, advancing more slowly in STEM careers, and confronting higher rates of gender-based violence. When DOE strips away the very standards that make labs, classrooms, and apprenticeship sites reachable, it widens both the disability gap and the gender gap.

Because disability equity and gender equity rise and fall together, AAUW respectfully submits this significant adverse comment and calls on the Department to rescind the rule in its entirety.

**I. The Direct Final Rule Procedure Is Inappropriate.**

“Direct final rules” must be routine or noncontroversial. Here, the proposed changes are neither. Instead, the proposals would delete foundational provisions implementing Section 504 in contradiction of Congress's clear understanding of the law. Multiple disability-rights organizations—including the Disability Rights Education & Defense Fund (DREDF)—have already filed significant adverse comments, automatically defeating the Department's attempt to bypass full notice-and-comment rulemaking. DOE must withdraw the rule and proceed through the ordinary, transparent process.

**II. The Rescission Conflicts With Section 504 and Congressional Intent.**



Section 504's purpose is to eliminate discrimination "under any program or activity receiving Federal financial assistance." Uniform design standards, adopted government-wide in the late 1970s, are the cornerstone of that promise. Removing § 1040.73 does not merely *reduce* protection; it nullifies it, inviting the construction of fresh barriers in DOE-funded facilities and contradicting decades of judicial affirmation (e.g., *Alexander v. Choate*, 469 U.S. 287 (1985)).

The proposed rule would encourage new construction that is inaccessible to people with disabilities. They would also upend decades of reliance on established accessibility standards, creating conflicts with other statutory and regulatory standards.

### **III. The Rollback Harms Disabled People and Exacerbates Gender Inequity.**

1. **STEM Workforce Exclusion:** Women hold only 3 percent of energy-sector skilled-trades jobs. Disabled women are even scarcer. A single step, narrow doorway, or unreachable safety shower can end a career before it begins.
2. **Pay-Equity Setbacks:** STEM PhDs with disabilities already earn over \$10,500 less per year than their non-disabled peers. By legitimizing new physical barriers, DOE would entrench these wage gaps—compounded for women, especially women of color, who face both gender and disability pay penalties.
3. **Campus Safety:** Accessible design—well-lit routes, visual alarms, gender-neutral restrooms usable by wheelchair users—reduces risk of gender-based and disability-based harassment. Rolling back standards places disabled women at heightened vulnerability.

### **IV. Conclusion**

AAUW knows—from 50 years of research on the gender pay gap and workplace discrimination—that opportunity is built (or blocked) in concrete, steel, and code. If a lab bench is too high, or a childcare center doorway too narrow, the next generation of women innovators never gets in the door. The Department of Energy's proposed rescission would roll back hard-won progress for millions of Americans with disabilities and compound the gender inequities AAUW fights every day. For these reasons, **AAUW respectfully urges DOE to withdraw the direct final rule immediately.**

Sincerely,

Meghan Kissell, MSW  
Senior Director, Policy & Member Advocacy  
American Association of University Women (AAUW)