



July 6, 2026

Paula M. Stannard
Director for Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W. gf
Washington, D.C. 20201

**Re: RIN 0945-AA30 Extension of Compliance Dates for
Nondiscrimination on the Basis of Disability; Accessibility of Web
Content and Mobile Applications of Recipients of Departmental
Financial Assistance: Interim Final Rule**

Dear Ms. Stannard:

The undersigned members and allies of the Consortium for Constituents with Disabilities (CCD) Rights and Technology Task Forces write to express our strong opposition to the Interim Final Rule (IFR) published by the Department of Health and Human Services (Department) extending the compliance dates for the 2024 Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance Subpart I (2024 Final Rule). CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Delaying the compliance dates by a full year on the day of the compliance date for recipients without first seeking public comment is arbitrary and capricious because: (1) the delay is based on information that was already fully considered in the Department's 2024 Final Rule, (2) the delay is based on factual errors and unfounded assumptions, (3) the Interim Final Rule fails to consider the significant harms to people with disabilities, and (4) the Interim Final Rule's economic analysis shows that delaying the compliance dates will create a net loss as lost benefits outweigh savings.

**The IFR is Based on Concerns that Were Already Fully Considered and
Addressed in the 2024 Final Rule.**

None of the concerns that the Department now cites as the basis for its IFR are new. All of these concerns were raised by covered entities and addressed in the Department's 2024 Final Rule. By revisiting the same arguments about timing that the

Department already addressed and, without more, using them to come out a different way, the Department creates uncertainty and confusion. Far from creating greater predictability and certainty, a rule that changes as soon as the compliance date arrives undermines public confidence and *eliminates* certainty and clarity.

The Department now cites comments from a handful of commenters raising vague concerns about limited resources and lack of expertise. All of these concerns were raised previously, including by most of the same commenters cited in the IFR. The Department engaged in an extensive, painstaking analysis to decide on the compliance dates in its 2024 Final Rule. It considered longer and shorter compliance periods, and examined the costs and benefits of a variety of different options. It considered the very factors that the Department cites now and took them into account in setting the compliance dates of two and years for recipients. There is nothing about the restating of these identical concerns now that justifies a different conclusion.

The Department does not offer an explanation of why it is newly considering these issues despite its detailed analysis of them in its 2024 Final Rule, or why two years was not sufficient time for covered entities to comply with the Rule. . Consistent with Section 504, the 2024 Final Rule does not require covered entities to take steps that would impose an undue financial or administrative burden or fundamentally alter a program, service, or activity. The Department now claims that litigation defenses should not guide the Department's decisions in setting compliance deadlines.¹ But these are not merely litigation defenses; they are limitations on the obligations imposed by the Rule and by Section 504 itself. The Department cannot simply ignore them and cite unspecified cost concerns as a basis for a significant change to the Rule.

To the extent that the Department cites a single mental health provider who complains that it will need to do “extensive updates” to its patient forms and communications and that it will have to “update the ‘appearance of websites and mobile applications,’” all for a rule that it believes provides no “material benefits,”² we presume that the Department is not suggesting that it agrees there is no value in enabling people with disabilities to have access to mental health or other health services and that they do not deserve such access if it means that a provider must update its website. If

¹ *Id.*

² The provider apparently commented that no specific standards are necessary because of the general access requirements. 91 Fed. Reg. 25498. The Department acknowledges, however, that “virtually all commenters [in the 2024 rulemaking] agreed that web content and mobile apps used by recipients should be accessible to people with disabilities and that some standard was needed to measure accessibility.” *Id.* at 25497.

anything, such attitudes fly in the face of Section 504 and highlight the need for the 2024 Final Rule.

The IFR is Based on Incorrect Analysis of the 2024 Final Rule

The Department's decision to extend the compliance dates is premised on key factual errors and unfounded assumptions. It assumes without evidence that people would assume an exception clearly rejected by the 2024 Final Rule was in effect.

There is No Basis to Assume Confusion About Removal of the Education Exceptions

The Department provides no basis for its contention that the removal in the 2024 Final Rule of exceptions for certain educational content identified in the proposed rule "may have led to confusion . . . requiring additional time for covered recipients to understand their compliance obligations."³ The Department provides no evidence suggesting that there is in fact confusion on this point. In fact, some of the commenters on which the Department relies are educational recipients and their comments indicate they are well aware that these exceptions have been removed. Further, this exception would not have applied to the vast majority of covered entities under the Department's rule.

Moreover, while the IFR says that extending the compliance dates will give these recipients "time to assess the substance of the 2024 final rule,"⁴ it offers no explanation of why two years has been insufficient time to discover that the educational exceptions were removed. Indeed, rulemaking would become untenable if every change from a proposed rule to a final rule were cause to reopen a rulemaking and allow additional time for compliance.

The entire point of a *proposed* rule with notice and comment is that the public is invited to comment on the proposal. Expecting the public to anticipate that the proposed rule will be finalized as is regardless of public comment would undermine the entire rulemaking process. Further, the evidence suggests covered entities were well aware that the educational exceptions might be removed. Numerous covered entities commented on the educational exceptions in response to the proposed rule.

The IFR Fails to Consider the Harms to People with Disabilities of Extending the Compliance Dates

The IFR is also arbitrary and capricious because it fails to consider the harms to people with disabilities of extending the compliance deadlines by a full year. The

³ 91 Fed. Reg. at 25500.

⁴ *Id.*

finalization of the 2024 Final Rule represented a major milestone for individuals with disabilities as it greatly improves access to services that have been historically inaccessible. CCD explained in comments responding to the 2023 Notice of Proposed Rulemaking⁵ that a prompt compliance date is critical to ensure that people with disabilities can access vital government services. And the Department observed in its 2024 Final Rule that due to the prior absence of government standards for accessibility of web content and mobile apps, people with disabilities have experienced widespread challenges accessing critical services provided by recipients of the Department's funds.

While the Department relies extensively on a handful of comments from recipients with vague assertions about resource constraints, it all but ignores the staggering harms to people with disabilities, who continue to experience barriers in accessing core government services. The Department acknowledges that "delaying compliance dates ... may lead to a corresponding delay in increased access for people with disabilities" and may negatively impact reliance interests related to the current implementation dates."⁶ But it dismisses the widespread lack of access to health services and the reliance interests of people with disabilities who have waited for two years by simply stating that covered entities "are not yet required to conform with the success criteria of WCAG 2.1" and thus there is simply a further delay. This ignores that the Department waited for the entire two years, until the very day that covered entities were required to comply, before publishing its Interim Final Rule delaying the rule by a full year. That is hardly immaterial to the reliance interests of people with disabilities. The Department offers no basis for its assumption that the benefits of the IFR outweigh the costs because the 2024 Final Rule might lead to "copious and costly litigation if the implementation dates are not pushed back."⁷ Indeed, the Department fails to address the likelihood that the delay of compliance dates will *increase* rather than decrease litigation since covered recipients will continue to be subject to Section 504's requirements to provide equal opportunity and accessibility (as the Department acknowledges) but without clear standards.

Delaying Compliance Brings a Net Loss

The Department found in its 2024 Final Rule that cost *savings* from compliance with the rule significantly *outweigh the costs* of compliance. Similarly, the IFR acknowledges that the lost benefits of delaying compliance significantly outweigh the projected cost savings. Further, the IFR's analysis fails to consider that many covered

⁵ Consortium for Constituents with Disabilities Comment Letter on Proposed Rule *Nondiscrimination on the Basis of Disability in Health and Human Service Programs or Activities*. (Sept. 2023). <https://www.c-c-d.org/fichiers/CCD-Statement-on-HHS-504-NPRM-091423.pdf>.

⁶ 91 Fed. Reg. 25500.

⁷ *Id.*

entities are already complying with the 2024 Final Rule since the Department waited until the day of the compliance date for large recipients before announcing the delay. In light of the fact that there is nothing new justifying a delay that was not already considered and addressed in the 2024 Final Rule and the delay imposes severe harms on people with disabilities, the fact that lost benefits significantly outweigh projected savings shows this IFR is simply not justified and should be rescinded.

We Oppose a New Substantive Rulemaking

Additionally, we are extremely concerned about the Department's plan to engage in a future rulemaking process on the substance of the 2024 Final Rule. It took 14 years from when the Department of Justice first initiated a rulemaking on web accessibility standards for both the Department and the DOJ to issue a final rule. It would be incredibly damaging and disruptive to the lives of people with disabilities who have been waiting for years for the Rule's protections to turn around suddenly and reverse course.

The proposal to change the rule in any capacity included in the IFR will additionally disincentivize covered entities from working towards compliance, as it creates massive uncertainty about what standards will ultimately apply. Many will simply wait to see what the Department issues. In the meantime, people with disabilities will continue to be denied access to critical health services.

Conclusion

For the foregoing reasons, we urge the Department to rescind the IFR.

Respectfully submitted,

Access Ready, Inc.
The Advocacy Institute
Alabama Disabilities Advocacy Program
American Association of People with Disabilities
American Association on Health and Disability
American Council Of The Blind
American Council of the Blind of Ohio
American Foundation for the Blind
American Printing House for the Blind
The Arc of the United States
Association of Assistive Technology Act Programs

Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Public Representation
CommunicationFIRST
Council for Learning Disabilities
Council of State Administrators of Vocational Rehabilitation (CSAVR)
Deaf Equality
Disability Belongs
Disability Law Center of Alaska
Disability Law Center of Utah
Disability Rights Arizona
Disability Rights California
Disability Rights Center of Kansas
Disability Rights Center – New Hampshire
Disability Rights Connecticut
Disability Rights Education & Defense Fund
Disability Rights Florida
Disability Rights Idaho
Disability Rights Iowa
Disability Rights Louisiana
Disability Rights Maine
Disability Rights Mississippi
Disability Rights New Mexico
Disability Rights North Carolina
Disability Rights Ohio
Disability Rights Oregon
Disability Rights Pennsylvania
Disability Rights South Carolina
Disability Rights Washington
Epilepsy Foundation of America
The Fire From Her Crown
Getting Back Up
Greater Cincinnati Chapter of American Council of the Blind Ohio
Greenleaf Job Training Services
Iowa Developmental Disabilities Council
Kelley Vision and Technology Services
Kentucky Protection and Advocacy
Lakeshore Foundation
Learning Disabilities Association of America

Linking Employment Abilities & Potential (LEAP)
Minnesota Disability Law Center
Muscular Dystrophy Association
National Association of Councils on Developmental Disabilities
National Association of the Deaf
National Center for Learning Disabilities
National Disability Rights Network (NDRN)
National Health Law Program
National PLACE
National Rehabilitation Association
Ohio Association of People Supporting Employment First
Ohio Olmstead Task Force
Paralyzed Veterans of America
Partnership for Inclusive Disaster Strategies
Perkins School for the Blind
Prevent Blindness
Sight Unseen LIC
SPAN Parent Advocacy Network
TASH
TDIforAccess
VisionServe Alliance
Vispero
World Institute on Disability