

Statement by the Principal Deputy Assistant Attorney General for Civil Rights

Leading a Coordinated Civil Rights Response to Coronavirus (COVID-19)

April 2, 2021

Principal Deputy Assistant Attorney General for Civil Rights Pamela S. Karlan issued the following statement and attached resource guide to assist Federal agencies, state and local governments, and recipients of Federal financial assistance in addressing ongoing civil rights challenges related to the COVID-19 pandemic:

The COVID-19 pandemic has stressed our Nation's commitment to an open, equal, and inclusive society. We have seen hateful and xenophobic rhetoric and violence aimed at Asian American and Pacific Islander (AAPI) communities and businesses. We have also seen Black, Indigenous, Latino, and Pacific Islander communities, as well as people with disabilities, suffer disproportionately high rates of death and greater risk of infection and hospitalization. COVID-19 has magnified social, economic, and environmental inequalities that we cannot ignore.

As a Nation, we cannot adequately respond to, and recover from, COVID-19 if we do not protect all of our neighbors. That requires us to pursue justice on behalf of those targeted because of their race, color, religion, national origin, sex (including sexual orientation and gender identity), disability, or citizenship.

The Department of Justice will vigorously enforce Federal civil rights as we continue the process of national reckoning, recovery, and healing. Civil rights protections and responsibilities still apply, even during emergencies. They cannot be waived.

Federal agencies, state and local governments, and recipients of Federal financial assistance are an integral part of our shared effort to uphold civil rights. The following principles should assist in meeting these nondiscrimination obligations:

- 1. Combat hate crimes, harassment, and other discrimination against the AAPI community.** There has been a disturbing rise in violence, harassment, and discrimination directed at the AAPI community. Laws prohibiting such conduct must be vigorously enforced by the Federal government, acting with its state and local partners. We must support and provide services to victims of hate crimes, harassment, or unlawful discrimination and ensure the safety of schools, workplaces, and communities through prompt and thorough investigation of complaints. The attached guide includes resources to support prevention and reporting of hate crimes in communities. It also explains how to report discrimination, harassment, or hate incidents in housing, education, employment or other civil rights violations. The Civil Rights Division is prepared to work with sister Federal agencies to support state and local efforts aimed at preventing pandemic-related harassment and discrimination targeting AAPI communities. For more information on preventing hate crimes in your community, visit the Department of Justice's [hate crimes resource page](#).
- 2. Ensure equal access for people with disabilities and avoid disability discrimination.** COVID-19 has had a devastating and disproportionate impact on people with disabilities. Governments, health care providers, and long-term care facilities must comply with the Americans with

Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504). This includes when making decisions about who will receive medical care, including vaccines and hospital beds. It also includes crafting and implementing policies such as crisis standards of care, visitation rules, and vaccine distribution plans. People living in nursing homes and other long-term care facilities have been placed at particular risk of COVID-19 infection and death. Some reports show that more than one-third of all deaths from COVID-19 in the U.S.—over 172,000 people—are linked to nursing homes and other long-term care facilities. Providing services in home- and community- based settings instead of in long-term care facilities can satisfy the ADA integration mandate by preventing unnecessary institutionalization. It can also reduce COVID-19 risk. As governments, employers, and businesses lift pandemic-related restrictions and reopen, they must comply with the ADA and Section 504. This includes providing reasonable accommodations and modifications, physical access, and effective communication. For information about rights and responsibilities under these statutes, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit <https://www.ada.gov/>. Additional relevant information can be found on the U.S. Department of Health and Human Services' Office for Civil Rights' website at <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/>.

3. **Reduce further learning loss for vulnerable students.** Education inequalities have worsened as COVID-19 continues to disrupt learning for millions of students. Students of color are experiencing disproportionate failure rates, a growing digital divide disadvantages students who cannot access the internet and miss school as a result, and students with limited English proficiency and/or a disability are suffering serious educational consequences. Students who are homeless or in juvenile justice facilities are particularly at risk of learning disruptions. Schools contribute to these challenges when they fail to communicate with limited English proficient families in a language they understand about how to access online learning and other important information about school activities. Whether schools begin to reopen or continue to teach virtually, they must do so in compliance with Titles IV and VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Educational Opportunities Act of 1974, the ADA, and Section 504. COVID-19 resources for schools, students, and families can be found at <https://www.ed.gov/coronavirus?src=feature>.
4. **Protect correctional staff, incarcerated and detained people, and their families.** Studies have shown that compared to the general population, a disproportionate number of COVID-19 outbreaks and deaths occur in jails, prisons, and detention facilities across the country. Certain communities of color, including Black, Indigenous, and Latino people, as well as people with disabilities, are more likely to have comorbidities, and suffer serious and even fatal COVID-19 infections, both in the general population and in jails, prisons, and detention centers. Individuals with limited English proficiency and those with disabilities can face increased isolation and lack meaningful access to essential information during COVID-19. This can limit their ability to obtain treatment and timely escalation of care when needed. State and local jails, prisons, and detention centers that receive Federal financial assistance must not discriminate on the basis of race, color, and national origin under Title VI of the Civil Rights Act of 1964 and other statutes. They must also comply with the ADA's and Section 504's disability nondiscrimination mandate. In addition to the statutory prohibitions on discrimination, these facilities may not deprive prisoners of their rights guaranteed by the Eighth and Fourteenth Amendments. Federal prisons and detention facilities are subject to Executive Order 13166 and other authorities that protect the civil rights of Federal detainees and

inmates. For further guidance on managing pandemic response and recovery in correction and detention facilities, see <https://nicic.gov/coronavirus> and <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

5. **Protect vulnerable populations facing housing instability.** COVID-19 has exacerbated existing racial and economic disparities in access to safe and affordable housing. Despite these challenges, individuals retain their fundamental right to obtain housing free from discrimination. Direct providers of housing must still comply with the Fair Housing Act. Our country already faced a severe shortage in affordable housing before the economic impacts of COVID-19 caused significant increases in housing instability. With studies showing that certain communities of color are more likely to be at risk of eviction, we must ensure that discrimination is not an additional barrier. Information on where to find housing assistance during the pandemic can be found here: <https://www.benefits.gov/news/article/402>. The Department of Housing and Urban Development also maintains a list of resources, found at <https://www.hud.gov/coronavirus>.
6. **Provide information in languages other than English.** Large numbers of people in the United States do not read or understand English well. Yet all people need to understand the symptoms, when to stay home, and how to protect themselves and their families to prevent the spread of the virus. Federal, state, and local public messaging on pandemic safety measures and recovery efforts should be provided in the wide array of languages spoken by people with limited English proficiency. Likewise, it is important that we ensure language accessibility in law enforcement, courts, and victim services so that victims of hate crimes and discrimination can vindicate their rights. Title VI requires recipients of Federal financial assistance to provide meaningful access to Federally-funded programs and activities to people with limited English proficiency. More information about ensuring language access and the concentration of, and languages spoken by, persons with limited English proficiency in a particular community can be found at www.lep.gov and <https://www.lep.gov/maps/>.
7. **Collect data to monitor, track, and ensure equitable outcomes.** COVID-19 requires accountability and action to address longstanding disparities for Black, Indigenous, Latino, AAPI, and other people of color, as well as people with disabilities. Complete, consistent, and accurate data collection and reporting on race, ethnicity, disability, and limited English proficient status are essential to our ability to recognize and address disparities and inequality. Federal civil rights offices are authorized to use qualitative (studies, news reports, and other sources of information) and quantitative data to conduct outreach, technical assistance, and enforcement to ensure compliance with Title VI of the Civil Rights Act of 1964. The Civil Rights Division is available to consult with Federal agencies on approaches to data collection and assessments to determine whether policies or practices may have a discriminatory impact. For more information on identifying discrimination under Title VI and on data collection, see <https://www.justice.gov/crt/fcs/T6Manual7#Z>; see also [Executive Order 13985](#) (addressing the need for race, ethnicity, and disability data collection).

The Civil Rights Division will do its part to facilitate a coordinated federal response to these issues. Under Executive Order 12250, the Department of Justice is responsible for ensuring the consistent and effective implementation of Federal civil rights laws “prohibiting discriminatory practices in Federal

programs and programs receiving federal financial assistance.” Accordingly, I have directed the Civil Rights Division’s Federal Coordination and Compliance Section and the Disability Rights Section to ensure that Federal agencies use their authority to pursue a comprehensive approach to advance equity and redress inequities in pandemic response and recovery.

Finally, the Civil Rights Division will continue to convene meetings of Federal civil rights offices to: 1) exchange information and resources for agencies to take action on COVID-19-related harassment and discrimination; 2) monitor and address civil rights issues related to COVID-19 and recipients of Federal financial assistance; 3) identify strategies to ensure Federal, state and local efforts achieve equitable outcomes in current and future emergency planning and response; and 4) work with the Federal agencies to develop and identify data sources or indices that will assist recipients of Federal financial assistance to collect data from communities of color and other underserved populations. The Civil Rights Division, together with other agencies throughout the Federal government, will continue to monitor civil rights issues related to COVID-19 and vigorously enforce civil rights laws. To file a complaint with the Civil Rights Division, please fill out our online form at <https://civilrights.justice.gov>.

Resources for Leading a Coordinated Civil Rights Response to Coronavirus (COVID-19)

April 2, 2021

The Civil Rights Division provides the following resources to help our state, local, and Federal partners enforce and comply with Federal civil rights laws as we continue the process of national reckoning, recovery, and healing.

Combat hate crimes, harassment, and other discrimination against communities burdened by COVID-19, including the Asian American and Pacific Islander (AAPI) community.

If you are an individual who:	Actions:
Witnessed or experienced a hate crime related to COVID-19	Contact the Federal Bureau of Investigations at fbi.gov/tips or Call 1-800-CALLFBI (225-5324)
Witnessed or experienced other forms of discrimination based on: <ul style="list-style-type: none"> • race, • color, • national origin (including language/ancestry), • sex (including sexual orientation and gender identity), • religion, • disability, • citizenship or immigration status, or • any other protected classes 	Contact the Civil Rights Division at civilrights.justice.gov .

If you are:	Actions
A state or local government	To learn how to prevent hate crimes in your community, you can visit the Justice Department’s hate crimes resource page .
A Federal agency	To learn how you can support state and local efforts to combat AAPI discrimination, you can contact our Federal Coordination & Compliance Section .

Ensure equal access for people with disabilities and avoid disability discrimination.

If you are:	Actions
<p>A health care provider and/or long-term care facility</p>	<p>You must comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) when you make decisions that affect access to medical care, vaccine distribution, hospital bed allocation, and visitation rules, or other resources.</p> <p>To learn more about your responsibilities under these statutes, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit www.ada.gov. For more information, see the U.S. Department of Health and Human Services’ (HHS) Office for Civil Rights’ website at https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/.</p>
<p>A state or local government official, contractor, or licensed service provider (including long-term care facilities), with responsibilities related to the administration or provision of public services for people with disabilities</p>	<p>Providing services in home- and community-based settings instead of in long-term care facilities can satisfy the ADA integration mandate by preventing unnecessary institutionalization, while also reducing COVID-19 risk.</p> <p>To learn more about the ADA integration mandate, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit www.ada.gov. For more information, see the HHS Office for Civil Rights’ website at https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/.</p>
<p>An entity (state/local government, business, or other employer) re-opening or lifting pandemic-related restrictions</p>	<p>As you plan for re-opening, you must do so in a way that complies with the ADA and Section 504, including providing reasonable accommodations and modifications, physical access, and effective communication.</p> <p>To learn more about your responsibilities under these statutes, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit www.ada.gov.</p>
<p>A person with a disability</p>	<p>If you want more information about your rights, please contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit www.ada.gov. For more information, see the HHS Office for Civil Rights’ website at https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/.</p> <p>To file a complaint with the Civil Rights Division, please fill out our online form at https://civilrights.justice.gov.</p>

Reduce further learning loss for vulnerable students.

If you are:	Actions
A school or school system	<p>Whether you offer in-person and/or virtual instruction, you must continue to comply with:</p> <ul style="list-style-type: none"> • Titles IV and VI of the Civil Rights Act of 1964, • Title IX of the Education Amendments of 1972, • the Equal Educational Opportunities Act, • the ADA, and • Section 504. <p>You can find COVID-19 resources for schools, students, and families at ed.gov/coronavirus.</p>
<p>A student who has been discriminated against based on:</p> <ul style="list-style-type: none"> • race, • color, • national origin (including language and ancestry), • sex (including sexual orientation and gender identity), • religion, or • disability 	<p>File a complaint online with the Civil Rights Division at https://civilrights.justice.gov.</p> <p>You can learn more about your rights as a student at https://www.justice.gov/crt/educational-opportunities-section</p>

Protect correctional staff, incarcerated and detained people, and their families.

If you are:	Actions
A state or local prison or jail	<p>You may not engage in a pattern or practice that systematically deprives prisoners of their rights, including those guaranteed by the Eighth and Fourteenth Amendments.</p> <p>You can find guidance on managing pandemic response and recovery in correction and detention facilities at nicic.gov/coronavirus and cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html.</p>
A state or local prison or jail that also receives Federal financial assistance	<p>In addition to the above, you must not discriminate on the basis of race, color, and national origin under Title VI of the Civil Rights Act of 1964 and other statutes. You must also comply with the ADA's and Section 504's disability nondiscrimination mandate.</p> <p>You can find guidance on managing pandemic response and recovery in correction and detention facilities at nicic.gov/coronavirus and cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html.</p>

	ncov.com/community/correction-detention/guidance-correctional-detention.html .
A Federal prison	<p>You must comply with Executive Order 13166 and other authorities that impact the civil rights of Federal detainees and inmates.</p> <p>You can find guidance on managing pandemic response and recovery in correction and detention facilities at nicic.gov/coronavirus and cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html.</p>
A prisoner detained in a Federal facility or a family member of a prisoner detained in a Federal facility	<p>You can find out more about the Federal Bureau of Prisons' (BOP) response to COVID-19 at BOP: COVID-19 Update and the document Correcting Myths and Misinformation about BOP and COVID-19.</p> <p>You can find out more about potential inmate home confinement at BOP: COVID-19 Home Confinement Information, Frequently Asked Questions and the document Home Confinement of Federal Prisoners After the COVID-19 Emergency.</p> <p>You may also be eligible for compassionate release, see Compassionate Release Criteria for Elderly Inmates with Medical Conditions or the question How does an inmate apply for compassionate release?</p>
A prisoner or detainee	<p>To learn more about your rights, please visit https://www.justice.gov/crt/rights-persons-confined-jails-and-prisons</p> <p>To file a complaint with the Civil Rights Division, please fill out our online form at https://civilrights.justice.gov.</p>

Protect vulnerable groups facing housing instability.

If you are:	Actions
A housing provider	You must continue to comply with the Fair Housing Act (FHA). The FHA prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies. You can learn more about these requirements at https://www.justice.gov/crt/fair-housing-act-1
An individual facing eviction or homelessness	You can learn where to find housing assistance during the pandemic at benefits.gov/news/article/402 and at hud.gov/coronavirus .

<p>An individual who has been discriminated against in relation to housing based on:</p> <ul style="list-style-type: none"> • race, • color, • national origin (including language and ancestry), • sex (including sexual orientation and gender identity), • religion, or • disability 	<p>File a complaint online with the Civil Rights Division at https://civilrights.justice.gov.</p> <p>You can learn more about your housing rights at https://www.justice.gov/crt/housing-and-civil-enforcement-section</p>
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Provide information in languages other than English.

If you are:	Actions
<p>A Federal agency, state government, or local government</p>	<p>You should provide information about COVID-19 safety measures and/or recovery effort in a wide array of languages spoken by people with limited English proficiency.</p> <p>You can find more information about ensuring language access and the concentration of, and languages spoken by, persons with limited English proficiency in a particular community at www.lep.gov.</p>
<p>Law enforcement, a court, or a victim services provider</p>	<p>Services should be provided in multiple languages to enable victims of hate crimes and discrimination to get help.</p> <p>You can find more information about ensuring language access and the concentration of, and languages spoken by, persons with limited English proficiency in a particular community at www.lep.gov.</p>
<p>A recipient of Federal funding</p>	<p>You must comply with Title VI. Title VI requires you to offer meaningful access to Federally-funded programs and activities to people with limited English proficiency. You can find more information about your obligations under Title VI at https://www.justice.gov/crt/fcs/TitleVI.</p> <p>You can find more information about ensuring language access and the concentration of, and languages spoken by, persons with limited English proficiency in a particular community at www.lep.gov.</p>
<p>An individual who is limited English proficient</p>	<p>You can find more information about your right to language assistance services at https://www.lep.gov/</p> <p>To file a complaint with the Civil Rights Division, please fill out our online form at https://civilrights.justice.gov.</p>

Collect data to monitor and track potentially disparate impacts and strive to achieve more equitable outcomes.

If you are:	Actions
A Federal agency, state government, or local government	<p>Collecting complete, consistent, and accurate data on race/color, national origin, ethnicity, disability, sex (including sexual orientation and gender identity), and limited English proficient status can help governments recognize and address disparities and inequality.</p> <p>The Civil Rights Division is available to consult with Federal agencies on approaches to data collection and assessments to determine whether policies or practices may have a discriminatory impact.</p> <p>You can find more information on data collection and identifying disparate impact under Title VI at www.justice.gov/crt/fcs/T6Manual7#Z and Executive Order 13985 (addressing the need for race, ethnicity, and disability data collection).</p>