White House Announces Resources to Support Individuals with Long COVID

The Biden-Harris administration marks the 31st anniversary of the Americans with Disabilities Act.

July 26, 2021

Today, on the 31st Anniversary of the Americans with Disabilities Act (ADA), we celebrate the inclusion and access promoted by the landmark civil rights law for disabled Americans. Grounded in four core outcomes of full participation, equal opportunity, independent living, and economic self-sufficiency, the ADA prohibits discrimination on the basis of disability in contexts such as of public accommodation, employment, transportation, and community living and provides recourse for people with disabilities who faced discrimination. The nation has made significant progress since the law was signed. To commemorate this day, President Biden will sign a proclamation marking the 31st anniversary of the Americans with Disabilities Act.

The Biden-Harris Administration has taken significant steps to achieve a more inclusive, accessible, and equitable country for people with disabilities, including people with disabilities that experience multiple forms of discrimination and bias on the basis of race, gender, sexual orientation and other factors. Through quick policy action, the Administration has ensured disabled Americans are receiving resources and are included in key administrative proposals. Specifically, the Administration has:

- Centered Equity as a Priority on Day One. President Biden's Inauguration Day Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government directs the whole of federal government to pursue a comprehensive approach to advancing equity for all, including with respect to persons with disabilities. Additionally, the EO establishes an Equitable Data Working Group to assess federal data, including on disability, to advance equity.
- Increased Access to Democracy for Voters with Disabilities. Executive Order 14019 on Voting Access ensures people with disabilities can access key voting resources, requires an assessment of barriers to the right to vote independently and privately, and will help ensure

that all Americans, including voters with disabilities, can exercise their right to vote.

- Raised Wages for Federal Contractors to $15. In April, President Biden signed Executive Order 14026 raising the minimum wage for workers employed by federal contractors, including with respect to workers with disabilities.
- Advanced Diversity, Equity, Inclusion, and Accessibility Across the Federal Government. In June, President Biden signed Executive Order 14035 advancing diversity, equity, inclusion, and accessibility (DEIA) across the Federal government. The EO charges agencies with assessing their state of DEIA to eliminate barriers employees face. For federal workers with disabilities, the EO sets a path for the Federal government to become a model employer to improve accessibility, ensure accommodations can be requested, increase opportunities for advancement and hiring, and reducing physical accessibility barriers.
- Provided Billions of Dollars to Children and Adults with Disabilities. President Biden's American Rescue Plan is the first COVID relief bill to include explicit provisions for people with disabilities.
    - The American Rescue Plan provides states with billions in additional Medicaid funding for home- and community-based services (HCBS) for one year. The additional Medicaid funding will help expand access to home and community-based services for people with disabilities as well as older adults and ensure that caregivers are fairly compensated for their work. The Centers for Medicare and Medicaid Services recently released guidance on the use of funds for HCBS and the Administration for Community Living released an accompanying blog post.
    - The American Rescue Plan also provides direct support to students with disabilities and infants and toddlers with disabilities through the Individuals with Disabilities Education Act. On July 1, the Department of Education released $2.58 billion to elementary and secondary education students with disabilities, $200 million for preschool students with disabilities, and $250 million for infants and toddlers with disabilities and their families.
- Produced Critical Resources for Americans with Disabilities:
    - Expanded Access to Competitive Integrated Employment. The Departments of Labor, Health and Human Services, and Education and the Social Security Administration released a fact sheet on funding opportunities to expand access to competitive integrated employment for

youth and adults with disabilities.

- Supported Economic Self-Sufficiency. Office of Disability Employment Policy, Employee Benefits Security Administration, and Employment and Training Administration within Department of Labor announced a webinar and toolkit to support a successful financial future for disabled individuals. The webinar and toolkit are designed for people with disabilities who are experiencing new levels of financial stress and unemployment. Organized around the five phases of the work-life cycle — (1) preparing for a job, (2) starting a job, (3) maintaining a job, (4) changing or losing a job, and (5) retiring from a job — it offers users tools and resources to help them address financial questions.
- Reflected on 30 years of Independent Living. The Administration for Community Living (ACL) at the Department of Health and Human Services released 30 Years of Community Living for Individuals with Intellectual and/or Developmental Disabilities (1987-2017), a report about community living for people with intellectual and developmental disabilities over the last 30 years. The report was developed through of a collaboration among three ACL grantees conducting the longitudinal studies about services for people with developmental disabilities.
- Leveraged Technology to Support Reengagement with Communities. CMS hosted the second of two webinars for states, associations, and other stakeholders to explore lessons learned during the COVID-19 public health emergency to discuss the use of technology in supporting reintegration into the community for people with disabilities leveraging in-person services and home and community-based services (HCBS). This second webinar addressed critical considerations for states as they explore incorporating technology into state HCBS waivers.
- Expanded Opportunities for Accessible, Affordable Housing. The Departments of Health and Human Services and Housing and Urban Development announced a partnership to increase access to accessible, integrated, affordable housing and the services that support community living for people with disabilities. One focus of the collaboration is working with states participating in the Money Follows the Person program and public housing authorities with available housing choice vouchers targeted to people leaving or at risk of entering nursing

homes and other institutions, which can include people experiencing homelessness. The Departments also are working to strengthen partnerships between housing and service networks at the state and local levels to streamline access to both housing and community services for people with disabilities .

- Provided Guidance on School Reopening for Students with Disabilities. The Department of Education's Office for Civil Rights released a questions and answers document on civil rights and the reopening of schools during the pandemic. The document helps students, families, schools and the public understand their rights and responsibilities in remote, hybrid, and in-person educational environments, including rights under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.
- Increased Access to COVID-19 Vaccinations and Affirmed the Civil Rights of Americans with Disabilities in Vaccine Distribution. Agencies within the Department of Health and Human Services released funding and resources during the first 100 days to increase access for people with disabilities to the COVID-19 vaccine, provide guidance on discrimination when distributing the vaccine, and support best practices in vaccine access. The Administration for Community Living in partnership with the Centers for Disease Control provided nearly $100 million in grants to help expand access. Additional resources include an overview of disability rights laws in vaccine distribution from the Office for Civil Rights, and information from the Assistant Secretary for Planning and Evaluation on barriers faced by older adults who cannot leave their homes when trying to access the vaccine.

In addition, President Biden's Build Back Better agenda outlines a path towards a more competitive, inclusive, and resilient America. If enacted, these plans will provide significant investments to children and adults with disabilities to achieve independent living, economic self-sufficiency, equitable educational opportunities, and full participation in the workforce and communities.

They include the following key elements:

- Invest in the Caregiving Economy. The Build Back Better agenda would expand access to long-term services and supports for people with disabilities. This investment will also support well-

paying caregiving jobs that include benefits and the ability to collectively bargain as well as building state infrastructure to improve the quality of services and to support workers. The funding will take significant steps to help people with disabilities access high-quality care in their homes and communities.

- Phase Out of Subminimum Wages. The Build Back Better agenda proposes a phase out of the subminimum wage provision in section 14(c) of the Fair Labor Standards Act. In addition, President Biden proposes investments to expand access to competitive, integrated employment opportunities for workers with disabilities.
- Expansion of Inclusive, Accessible Preschool. The Build Back Better Agenda calls for a national partnership with states to offer free, high-quality, accessible, and inclusive preschool to all 3- and 4-year-olds—benefitting five million children. Children with disabilities benefit from inclusive, accessible pre-school programs with their peers, and all children benefit when we create socio-economically diverse preschool classrooms where all students can thrive.
- Address Teacher Shortages through the Development of Special Education Teachers. The Build Back Better agenda invests in personnel preparation funds under the Individuals with Disabilities Education Act (IDEA), funding pathways to additional certifications, and strengthening existing teacher preparation programs for special educators.
- Paid Leave that Supports All Families. President Biden's Build Back Better agenda proposes a guarantee of 12 weeks of paid parental, family, and personal illness/safe leave by year 10 of the program, and also ensures workers get three days of bereavement leave per year starting in year one. The program will provide workers up to $4,000 a month, with a minimum of two-thirds of average weekly wages replaced, rising to 80 percent for the lowest wage workers. The plan has an inclusive definition of family, ensuring workers can care and be cared for by a loved one who is not related by blood, which will greatly benefit many communities, including LGBTQ+ individuals and people with disabilities.

Today the Administration is also releasing a package of guidance and resources to support individuals experiencing the long-term symptoms of COVID-19 or "Post-Acute Sequelae of SARS-CoV-2 infection (PASC)," known commonly as "long COVID." The announcements from the Departments of Health and Human Services (HHS), Justice, Education, and Labor provide

information about where individuals can access resources and accommodations and clarifies the rights for health and educational services and supports. This includes:

- Guidance explaining that long COVID can be a disability under various Federal civil rights laws. The Office for Civil Rights at HHS and Department of Justice released guidance (available here and here) explaining that some individuals with long COVID may have a disability under various civil rights laws that entitles them to protection from discrimination.
- Guidance that addresses the needs of children with long COVID who may be children with disabilities. The Department of Education Office for Civil Rights and Office of Special Education and Rehabilitative Services issued a resource document providing information about schools' and public agencies' responsibilities for the provision of services and reasonable modifications to children and students for whom long COVID is a disability.
- Access to resources on disability support services. The Administration for Community Living at HHS released a guide to community-based resources that can help people if they now need assistance to live in their own home, go to work or school, or participate in the community. These resources can provide information about what is available locally; help people connect to services, such as transportation and personal care attendants; help arrange reasonable accommodations and access vaccinations; and more.
- Information about accommodations in the workplace. The Office of Disability Employment Policy (ODEP) at the Department of Labor launched a new webpage that includes resources on long COVID organized by stakeholder groups, such as workers, youth and young adults, and employers. The resources include information on requesting and providing workplace accommodations for individuals with long COVID. In addition, ODEP released a blog discussing the impact of long COVID on workers with disabilities.

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