



Meeting of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders

September 28, 2022 — Subcommittee Recommendations



Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination

Co-Chairs: Luisa Blue, Dr. Kamal Kalsi

Members: Emily Chen, Grace Huang, Daniel Dae Kim, Naheed Qureshi, Smita Shah, Dr. Robert Underwood

DFO: Carol Wu

Presenters

- **Kiran Kaur Gill, Executive Director, Sikh American Legal Defense and Education Fund (SALDEF):** Presented on the effect that racially motivated mass shootings have had on AA and NHPI communities and spoke to policies that could help prevent and address gun violence.
- **Kareem Shora, Executive Vice President, Programs and Policy, Human Rights First (HRF):** Presented on HRF's work to address the overarching threat of white supremacy and its effect on AA and NHPI communities across the United States.
- **Chad Reifer, Chief, Domestic Terrorism Branch, Counterterrorism Mission Center, Office of Intelligence & Analysis, U.S. Department of Homeland Security (DHS):** Presented an overview of DHS's domestic terrorism strategy and data regarding incidents of racially or ethnically motivated violence.
- **Norman Chen, Chief Executive Officer, The Asian American Foundation; Aryani Ong, Senior Advisor, Anti-Hate & Belonging Program, The Asian American Foundation; and Kathy Ko Chin, Senior Advisor, Programs, The Asian American Foundation (TAAF):** Presented an overview of TAAF's work and on their Asian American Pacific Islander (AAPI) Action Centers that are combatting anti-Asian hate at the regional level by building infrastructure to improve AAPI advocacy, power, and representation.
- **Stewart Kwoh, Co-Founder and Co-Executive Director, The Asian American Education Project; Dr. Virginia Loh-Hagen, Co-Executive Director, The Asian American Education Project; and Sandy Sakamoto, Director of Creative Development and Counsel, The Asian American Education Project:** Presented on The Asian American Education Project's mission and work to combat anti-Asian hate by integrating the history of AA and NHPI communities in the United States into K-12 curriculums.
- **Rosemarie Hidalgo, Special Assistant to the President and Senior Advisor on Gender-Based Violence at the White House Gender Policy Council:** Presented on the White House Task Force to Address Online Harassment and Abuse and the disproportionate impact that online harassment and abuse has had on the AA and NHPI community.



Priority Issue Areas

- Prevention of anti-Asian hate
- Education about AA and NHPI communities
- Increasing resources for victims
- Uplifting AA and NHPI youth
- Ways to address online harassment and abuse targeting AA and NHPI communities
- Preventing gun violence targeting AA and NHPI communities
- Creating a national database of individuals convicted of hate crimes
- Equity review of federal government law enforcement trainings and trainers
- Equity review of federal recognition of cultural and religious holidays
- Increasing federal transparency on data regarding domestic terrorism and white supremacist organizations



Problem Statement:

- ❖ Language barriers and insufficient government engagement create a lack of trust within AA and NHPI communities to accessing the FBI Tip Form and reporting hate crimes.



Problem Statement #1: Language barriers and insufficient government engagement create a lack of trust within AA and NHPI communities to accessing the FBI Tip Form and reporting hate crimes.

❖ **Recommendation:** Increase hate crime reporting among AA and NHPI communities through improved language access, including translating the FBI Tip Form into multiple AA and NHPI languages, and hosting community town halls to build trust, transparency, and accountability.



Rationale

- ❖ Language and culturally competent services continue to be a barrier with 1/3 of the AA and NHPI community having limited English proficiency (LEP).
- ❖ Conducting in-person town halls and virtual town halls will allow community members and victims of hate crimes and leaders/staff of community-based organizations to share their experiences with hate crimes/incidents, share any hate crime/incident data that community-based organizations have collected since the pandemic, and offer recommendations on improving the reporting of hate crimes.





Discussion



Language Access

Co-Chairs: Dr. Amy Agbayani, Victoria Huynh, Dr. Kimberly Chang

Members: Kerry Doi, Grace Huang, Dr. Kamal Kalsi, Ajay Bhutoria, Simon Pang

Non-Commission Member: Deeana Jang

Ex-Officio Member: Laureen Laglagaron

DFO: Maysee Jacobs

Presenters

- **Laura Godfrey, Manager at USAGov, Technology Transformation Services, U.S. General Services Administration (GSA):** Provided an overview of the efforts to standardize the provision of translated web content across the federal government, including both challenges and opportunities.
- **David Hyams, Chief of Enforcement and Regional Partnerships, U.S. Department of Health and Human Services (HHS) Office of Civil Rights (OCR), Conscience and Religious Freedom Division:** Provided an overview of civil rights protections in language access and requirements for those receiving federal funds to provide language access.
- **Nani A. Coloretti, Deputy Director, Office of Management and Budget (OMB); Melissa Newman, Senior Policy Analyst, OMB; and Shaibya Dalal, Senior Equity Fellow, OMB:** Presented information about the process for setting benchmarks on language access spending and needs, and how the process and eligibility requirements work. Also provided information on the process to allocate more money for language access into federal agency budgets and how to empower small community-based organizations that do language access and translation work to receive federal funding.
- **Young Noh Jung, Policy and Programs Manager, National Council of Asian Pacific Americans (NCAPA); Gregg Orton, National Director, NCAPA; Azizah Ahmad, Policy & Community Advocacy Manager, Asian & Pacific Islander American Health Forum (APIAHF); Adam P. Carbullido, Director of Policy and Advocacy, Association of Asian Pacific Community Health Organizations (AAPCHO); Marita Etcubañez, Senior Director of Strategic Initiatives, Asian Americans Advancing Justice (AAJC); and Navdeep Singh, Interim Policy Director, National Asian Pacific American Bar Association (NAPABA):** Presented on recommendations and principles to revamp the federal government's efforts regarding language access for AA and NHPI communities, particularly in light of relatively smaller populations and the vast cultural and linguistic diversity.



Priority Issue Areas

- Improve language access in the justice system
- Increase public outreach (distributing language access information)
- Improve language access funding for health care (centers) to serve LEP families
- Prioritize and expand federal funding for AA and NHPI language access
- Building a pipeline of language translators and interpreters
- Translate federal agency communications into multiple languages



Problem Statements:

- ❖ **Problem Statement #1:** Despite Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency being signed 22 years ago, there continues to be a lack of meaningful access across the federal government. There is a critical need to improve federal agency accountability and transparency.
- ❖ **Problem Statement #2:** Agencies/Departments fail to prioritize allocating sufficient funding to implement language equity initiatives.
- ❖ **Problem Statement #3:** U.S. Citizenship and Immigration Services does not provide adequate language assistance services to the AA and NHPI community.



Problem Statement #1: Despite Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency being signed 22 years ago, there continues to be a lack of meaningful access across the federal government. There is a critical need to improve federal agency accountability and transparency.

❖ **Recommendation:**

- ❖ Designate language access points of contact for each federal agency/department to strengthen the Executive Branch's ability to incorporate language access into operations.
- ❖ Revise language access plans and make the plans public on agency websites.
- ❖ Develop complaint processes and systems so stakeholders and LEP constituents know where to get help.
- ❖ Ensure all recipients of federal financial assistance develop, implement, and operationalize language access plans/policies and create a public complaint/accountability system.



Rationale:

- ❖ Our communities have been waiting over two decades for meaningful language access to federal initiatives.
- ❖ While waiting, people have been dying, getting sick, and being denied access to their civil rights, with numerous documented morbidity and mortality impacts from being LEP and unable to access information in English.
- ❖ Four out of the five top languages spoken by LEP individuals in the United States are Asian languages (Chinese, Vietnamese, Korean, Tagalog).
- ❖ While many federal agencies have language access plans, they often lack the coordination necessary to ensure consistent implementation of language access policies and procedures across the department.
- ❖ Federal agencies play a lead role in enforcing the language-related nondiscrimination provision of Title VI and must develop the prerequisite civil rights enforcement framework and resources to enforce the rights of LEP individuals.





Discussion

Problem Statement #2: Agencies/departments fail to prioritize allocating sufficient funding to implement language equity initiatives.

- ❖ **Recommendation:** The Office of Management and Budget (OMB) should issue immediate guidance to all federal agencies to allocate more funding toward language access initiatives, instruct budget examiners to make sure these priorities are highlighted, and provide guidance on inclusion of language access plans in future agency/department budgeting.



❖ Rationale:

- ❖ Government agencies continue to maintain the status quo, lamenting that they have insufficient funding to implement changes to support language access, while failing to prioritize meaningful levels of agency funding to address the provision of language services.
- ❖ EO 13985 emphasizes the importance of advancing equity, justice, and opportunity for underserved communities, and EO 14031 builds on the importance of addressing how linguistic isolation and lack of language access create barriers to opportunity for AA and NHPI individuals.
- ❖ OMB plays an important leadership role in providing budget and policy guidance and can leverage this role to direct agencies to develop budgets and plans to increase language services.





Discussion

Problem Statement #3: U.S. Citizenship and Immigration Services (USCIS) does not provide adequate language assistance services to the AA and NHPI community.

- ❖ **Recommendation (in collaboration with the Immigration and Citizenship Status Subcommittee):** Expand dissemination of USCIS information in multiple languages and increase AA and NHPI community outreach.



Rationale:

- ❖ India, China, the Philippines, Vietnam, and Korea are among the top ten origin countries of all immigrants.
- ❖ The AA and NHPI population is one of the largest growing minority groups in the United States.
- ❖ The immigration process is complicated, language access should be provided.
- ❖ New immigrants are also very likely to be limited English proficient (LEP).





Discussion



Data Disaggregation

Co-Chairs: Sarah Min, Dr. Raynald Samoa, Dr. Robert Underwood

Members: Emily Chen, KaYing Yang

Non-Commission Members: Dr. Ninez Ponce, Dr. Joseph Keawe Kaholokula

DFO: Min Guo

Presenters

- **Dr. Joshua Quint, Unit Chief, Vaccine Data and Equity, Immunizations Branch, California Department of Public Health, and Data Consultant for the Native Hawaiian Health Organization Papa Ola Lokahi:** Presented on data disaggregation efforts in Hawaii during COVID-19. Shared the best practices on COVID-19 case reporting.
- **Margo Schwab, Co-chair of the Equitable Data Working Group, Branch Chief for the Statistical and Science Policy, Office of Management and Budget (OMB), and Senior Science Policy Analyst, Office of Information and Regulatory Affairs (OIRA):** Provided an update on the Equitable Data Working Group and anticipated next steps. Shared a new website, Federal Committee on Statistical Methodology, for a catalogue of available disaggregated data sets and big surveys for AA and NHPIs. Discussed the June 15th OMB press release with forthcoming formal review to revise OMB's race and ethnicity standards process.
- **Dr. Stella Yi, Associate Professor, New York University Grossman School of Medicine, Section for Health Equity, Department of Population Health:** Presented on the Innovations in Data Equity for all Laboratory (IDEAL) projects between NYU and the New York State Governor's office to advise on the best practices for the collection of specific subgroup data for all ethnic groups for the New York State Department of Health.
- **Jordan Matsudaira, Deputy Under Secretary and Chief Economist, U.S. Department of Education:** Presented the efforts of Department of Education on data disaggregation. Showcased the Free Application for Federal Student Aid (FAFSA) program data collection plan to include the six largest Asian American groups and Native Hawaiians and Pacific Islanders for the 2024-2025 FAFSA form beginning in October 2023. Discussed the partnership with Census Bureau on this pilot effort.
- **Karthick Ramakrishnan, Founder and Co-Director, AAPI Data; Howard Shih, Managing Director, AAPI Data; and Ryan Vinh, Data and Community Partnerships Specialist, AAPI Data:** Presented the most recent report published by AAPI Data with three recommendations highlighting community engagement and data accessibility. Discussed obstacles that are faced by AAPI communities in the data equity realm.



Priority Issue Areas

- Remove obstacles for communities to accessibility, usability, and sharing of federal agencies data
- Foster two-way dialogue between communities and academic researchers
- Identify important datasets and best practices from priority federal agencies for data disaggregation
- Joint recommendations with other subcommittees on specific areas



Problem Statements:

- ❖ **Problem Statement #1:** The Office of Management and Budget (OMB) needs to amend minimum data collection standards for race, particularly with regard to smaller AA and NHPI populations. There is also not a consistent way in which federal agencies can share best practices in producing meaningful disaggregated AA and NHPI data.



Problem Statement #1: The Office of Management and Budget (OMB) needs to amend minimum data collection standards for race, particularly with regard to smaller AA and NHPI populations. There is also not a consistent way in which federal agencies can share best practices in producing meaningful disaggregated AA and NHPI data.

❖ **Recommendation:** OMB amend the minimum data collection standards for race to include guideline recommendations to collect, analyze and report data on smaller populations for federal surveys, and OMB partner with the White House Initiative on Asian Americans, Native Hawaiians and Pacific Islanders (WHIAANHPI) to convene an annual AA and NHPI Data Summit.



Rationale:

- ❖ By 2060, AA and NHPI populations are projected to increase to 9.3 percent in the U.S. further calling for the need to produce information for a sizeable portion of the population that is accurate, timely, and usable.
- ❖ The aggregation of AA and NHPI population data hides the diversity of this vast group and obstructs the appropriate allocation of resources to communities with specific needs within.
- ❖ A coordinated “whole of government” approach is required to bring forth equitable disaggregated data.





Discussion

Strategic Planning Session





Economic Equity

Co-Chairs: Ajay Bhutoria, Simon Pang, Smita Shah

Members: Luisa Blue, Dr. Kimberly Chang, Kerry Doi, Michelle Ka'uhane,
Kevin Kim, Ai-jen Poo

DFO: Maysee Jacobs

Presenters

- **Kemba Hendrix, Senior Advisor, U.S. Office of Personnel Management (OPM):** Provided an overview of the government-wide strategic plan to advance diversity, equity, inclusion, and accessibility (DEIA) in the federal workforce. Gave examples of actions the government has taken to advance DEIA and strategies that can increase representation of underserved communities.
- **Udochi Onwubiko, Senior Policy Advisor, Wage and Hour Division (WHD), U.S. Department of Labor (DOL):** Provided an overview of the strategic enforcement efforts to combat high labor violation rates in low-wage industries where vulnerable AA and NHPI workers are impacted, and strategies to better reach and serve these workers through community-based outreach and in-language resources.
- **Kamal Essaheb, Counselor to the Secretary, U.S. Department of Homeland Security (DHS):** Provided an overview of the Department, what it has done and is doing to protect against the possible exploitation of low-wage immigrant workers.



Priority Issue Areas

- AA and NHPI apprenticeship drive to increase AA and NHPI apprenticeship percentage
- Increasing access to economic opportunity for all workers and raising awareness around grants and contracts
- Addressing barriers for workers including Native Hawaiians and Pacific Islanders
- Worker access to childcare, paid leave, and long-term care across all industries
- Living wages, access to benefits, and training opportunities



Problem Statements:

- ❖ **Problem Statement #1:** It is anticipated that by 2025, 20% of the U.S. population will be AA and NHPI; however, they only make up 5.6% of the total federal workforce with even less representation at the higher levels of government.
- ❖ **Problem Statement #2:** Small AA and NHPI businesses face obstacles in entering the federal marketplace, particularly since new small business entrants have decreased significantly in the past decade.
- ❖ **Problem Statement #3:** In the U.S., 44% of all workers ages 18-64 work in low-wage jobs, including at least 40% of AA and NHPI workers, many of whom are immigrants, who occupy essential positions. They suffer from several challenges including poverty, lack of benefits, job insecurity, and high rates of wage violations.



Problem Statement #1: It is anticipated that by 2025, 20% of the U.S. population will be AA and NHPI; however, they only make up 5.6% of the total federal workforce with even less representation at the higher levels of government.

❖ **Recommendation:** All federal agencies should strengthen the pipeline for AA and NHPIs to enter the federal workforce and advance up the ranks by hosting targeted recruitment drives and outreach.



❖ **Rationale:**

- ❖ AA and NHPI communities are underrepresented in the federal workforce recruitment process.
- ❖ The federal government should adhere to its principles of diversity, equity, inclusion, and accessibility.





Discussion

Problem Statement #2: Small AA and NHPI businesses face obstacles in entering the federal marketplace, particularly since new small business entrants have decreased significantly in the past decade.

- ❖ **Recommendation:** The Small Business Administration (SBA) should take on a series of actions to increase their partnership and outreach to the AA and NHPI community, particularly those who are small business owners.



Rationale

- ❖ AA and NHPI small businesses play an essential role in the U.S. economy but are underrepresented in the federal marketplace.





Discussion

Problem Statement #3: In the United States, 44% of all workers ages 18-64 work in low-wage jobs, including at least 40% of AA and NHPI workers, many of whom are immigrants, who occupy essential positions. They suffer from several challenges including poverty, lack of benefits, job insecurity, and high rates of wage violations.

❖ **Recommendations:**

- ❖ Advance strategies that ensure a strong direct care workforce to meet the rapidly growing demand for long-term services and supports (LTSS).
- ❖ Protect AA and NHPI immigrant workers exercising their civil and workplace rights while advancing economic security, opportunity, and which achieves equity.
- ❖ Direct the Department of Labor to convene a domestic work advisory board to improve job quality for domestic workers.



Rationale:

- ❖ The pandemic has brought into sharper focus the urgent need to ensure that families have access to quality long-term care but direct care workers, who are overwhelming women of color, are paid poverty wages in poor working conditions.
- ❖ Approximately 80% of AA and NHPI workers in low-wage jobs are immigrants and disproportionately face workplace violations. Fear of immigration enforcement is also a significant barrier to low-wage workers in raising their voices against exploitation, discrimination, and harassment.
- ❖ The pandemic has again highlighted the health and safety risks faced by low-wage care workers, and numerous articles highlighted the trauma and death toll experienced by AA and NHPI home care and other health care workers.





Discussion



Health Equity

Co-Chairs: Teresita Batayola, Kerry Doi, Mia Ives-Ruble

Members: Victoria Huynh, Dr. Kimberly Chang, Michelle Ka'uhane, Dr. Kamal Kalsi

Non-Commission Member: Dr. Quyen Ngo-Metzger

DFO: Min Guo

Presenters

- **Jennifer Joseph, Director, Office of Policy and Program Development, Health Resources and Services Administration (HRSA), Bureau of Primary Health Care (BPHC), U.S. Department of Health and Human Services (HHS):** Provided an overview of HRSA's mission, program services, funding opportunities for Federally Qualified Health Centers (FQHC). Also discussed resources in mental health services, health equity for AA and NHPI populations, and language access assistance in the framework of health centers' operational plan.
- **Rebecca Malberg von Loewenfeldt, Associate Director, Healthcare Career Advancement Program (H-CAP):** Provided an overview of training and resources about the Department of Labor funded H-CAP programs, as well as the Registered Apprenticeship Programs in healthcare.
- **Tara D. Spencer, Chief, Nursing Education and Practice Branch, Division of Nursing and Public Health, Bureau of Health Workforce (BHW), Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services (HHS):** Provided an overview of BHW programs with benefits, loans, and resources for healthcare professionals. Discussed funding opportunities and potential partnerships with Department of Labor on training healthcare workforce.
- **Joe Bañez, Deputy Director of Legislative Affairs, Office of the Assistant Secretary, Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS):** Provided a briefing on the Bipartisan Safer Communities Act passed in June 2022, which received a total of \$800,000,000 in funding for five programs provided to SAMHSA.
- **Dr. Matthew Tejada, Director, Office of Environmental Justice, U.S. Environmental Protection Agency (EPA):** Provided insights on the Inflation Reduction Act's climate provisions, as well as an overview on EPA programs that impact AA and NHPI communities.



Priority Issue Areas

- Addressing and preventing gun violence
- Combatting domestic, intimate, physical and/or sexual violence
- Increasing resources to address mental health
- Human trafficking
- COVID-19 and equitable response
- Environmental justice
- Challenges in accessing healthcare
- Healthcare workforce
- Women's health





Discussion



Immigration and Citizenship Status

Co-Chairs: Grace Huang, KaYing Yang

Members: Dr. Amy Agbayani, Ajay Bhutoria, Simon Pang, Dr. Robert Underwood

Ex-Officio Member: Amanda Baran

DFO: Carol Wu

Presenters

- **Gregory Chen, Director of Government Relations, American Immigration Lawyers Association (AILA):** Presented on AILA's efforts to provide free legal representation to individuals in removal proceedings.
- **Francey Lim Youngberg, Assistant Director, Office of Partnership and Engagement, Immigration and Customs Enforcement, U.S. Department of Homeland Security (DHS):** Answered Commissioners' questions on immigration enforcement, check-in processes, and alternatives to detention.
- **Lawrence Bartlett, Director, Office of Refugee Admissions, Bureau of Population, Refugees, and Migration, U.S. Department of State (DOS):** Presented an overview of DOS's efforts to process refugee populations from the Asia-Pacific region.
- **Lauren Edwards, Senior Advisor, Refugee Programs, Office of Refugee Resettlement (ORR), Administration for Children and Families, U.S. Department of Health and Human Services (HHS):** Presented an overview of ORR's refugee resettlement process in the U.S.



Priority Issue Areas

- Compacts of Free Association migrants
- Strengthening asylum processes
- Improving language access in immigration court proceedings
- Universal legal representation for individuals facing removal
- Reducing the immigration court backlog
- Reducing visa wait times
- Community-based alternatives to immigration detention
- Young people aging out of USCIS applications
- Protection for undocumented individuals



Problem Statements:

- ❖ **Problem Statement #1:** Immigration enforcement targeting old criminal convictions and prolonged immigration detention of individuals who cannot be removed from the U.S. have a detrimental effect on AA and NHPI families and communities.
- ❖ **Problem Statement #2:** When H1B and L1 visa holders have to leave the U.S. with expired or about to expire visas, they sometimes must wait years before they can restamp their visas because of wait times at U.S. embassies, which separates them from their families and jobs in the U.S. for extended periods of time.



Problem Statement #1: Immigration enforcement targeting old criminal convictions and prolonged immigration detention of individuals who cannot be removed from the U.S.s have a detrimental effect on AA and NHPI families and communities.

❖ **Recommendations:**

- ❖ Immigration and Customs Enforcement (ICE) should establish a presumption of release for individuals who establish that they are not a public safety risk, improve the check-in process, end or limit the usage of the Institutional Hearing Program, and refrain from deporting anyone who has a pending appeal, motion to reopen, or motion to reconsider.
- ❖ U.S. Citizenship and Immigration Services (USCIS) should provide longer durations of Employment Authorization for individuals with long term orders of supervision and who are unlikely to be removed in the next several years.



Rationale:

- ❖ The passage of the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) in 1996 retroactively made criminal convictions deportable offenses and had a disproportionate impact on Southeast Asians, particularly youth from Cambodia, Laos, and Vietnam who had come to the U.S. as refugees.
- ❖ Even though many of these individuals are productive members of society who have been rehabilitated for years, they are removed to countries that they do not remember and where they do not have connections.
- ❖ Prolonged detention has a deleterious effect on the detained individual as well as their families and communities. Although the U.S. has MOUs and MOAs with countries to accept individuals deported from the U.S., it sometimes takes years to negotiate and obtain the correct travel documents.





Discussion

Problem Statement #2: When H1B and L1 visa holders have to leave the U.S. with expired or about to expire visas, they sometimes must wait years before they can restamp their visas because of wait times at U.S. embassies, which separates them from their families and jobs in the U.S. for extended periods of time.

❖ **Recommendation:**

- ❖ USCIS should update its policy, as it was done previously, to provide guidelines to permit extensions of H1B and L1 visas be allowed for restamping in the U.S. by USCIS.
- ❖ USCIS should also consider providing advanced travel documents to H1B and L1 visa holders when they have to travel out of the country with expired or soon to expire visa stamps on their passport so they can reenter the U.S. without any issues or having to get restamping in their home countries. They should be able to reenter the U.S. with valid travel documents and a valid H1B or L1 visa, even if the stamping has expired on their passport.



Rationale:

- ❖ Because of the long wait times at U.S. embassies, H1B and L1 visa holders can be caught for years outside of the United States, separating them from their families and jobs.





Discussion