



**President's Advisory Commission on Asian Americans,
Native Hawaiians, and Pacific Islanders**

Thursday, July 6, 2023

Meeting Minutes

Meeting Convened at 8:30 AM HST

Native Hawaiian Cultural Protocol

Viviane Chao, Advisor, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) and Lead Designated Federal Officer, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders.

Ms. Chao opened the meeting by welcoming everyone to the sixth quarterly meeting of the Commission. She thanked the Commissioners for their work since the last meeting in March 2023, including speaking with subject matter experts, deliberating, and preparing recommendations to be shared with the full Commission and the public. Ms. Chao shared a brief explanation of the Commission's commitments pursuant to the Federal Advisory Committee Act (FACA) and invited the public to submit written comments to aanhpicommission@hhs.gov, which will be shared with the Commission for their consideration. She noted that on the next day, the Commission will host an in-person listening session to hear from individuals who responded to the Commission's request for public comment posted in the Federal Register earlier this year. She shared information about the Commission, including its charter, Commission bios, and meeting materials, is available at www.hhs.gov/about/whiaanhpi. She introduced Krystal Ka'ai, WHIAANHPI Executive Director.

Welcome Remarks

Krystal Ka'ai, Executive Director, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders

Ms. Ka'ai thanked Commissioner Michelle Ka'uhane for starting the meeting with setting positive intentions for the day ahead and honoring the native culture in Hawaii. She shared how this is the sixth full commission meeting, and the first outside of the Washington DC due to the commission's

desire to go directly into communities and intentionally listen to the unique challenges that Native Hawaiians and Pacific Islanders face. Ms. Ka'ai acknowledges the listening session that will be held by the commission the following day to hear directly from the community in Hawaii. She shares how this is the most active Asian American, Native Hawaiian, and Pacific Islander Presidential Commission in over two decades and applauds the Commissioners for their hard work and various accomplishments. Ms. Ka'ai introduced the Commission's Co-Chair, U.S. Trade Representative Katherine Tai, who is one of three Asian American women serving in the President's cabinet.

Opening Remarks from Commission Co-Chair

Ambassador Katherine Tai, U.S. Trade Representative (pre-recorded message)

Ambassador Tai thanked the WHIAANHPI team for their hard work in putting together this event and apologizes for being unable to attend the commission meeting in person. She began acknowledging notable accomplishments WHIAANHPI made in the month of May, such as the forum hosted at George Washington University with nearly 1,000 leaders from across the country in attendance including Vice President Kamala Harris. Ambassador Tai also highlighted her trip to Phoenix and Los Angeles where she with community organizers and small business owners, as well as her joint meeting with Congresswoman Judy Chu to pay respects to the victims of the Monterey Park tragedy in February. Ambassador Tai stated AA and NHPI solidarity is most important now, specifically when providing educational opportunities for all. She stated the Commission plays such a crucial role in this moment and recognizes the behind-the-scenes work the commissioners do on a regular basis in their various subcommittees. On behalf of the administration, Ambassador Tai thanked the commissioners for their commitment and ensures the administration is working hard to make sure their recommendations are realized. In addition, Ambassador Tai noted she is especially looking forward to the Economic Summit which will be held on Friday in Honolulu, supporting the President's vision to build the economy from the bottom up and middle out. Ambassador Tai closed by stating it is a pleasure to co-chair the commission with Secretary Xavier Becerra and is grateful to be the Commissioners' teammate.

White House Approach to Advancing Equity, Justice, and Opportunities for AA and NHPIs

Erika L. Moritsugu, Deputy Assistant to the President and Asian American, Native Hawaiian, and Pacific Islander Senior Liaison

Ms. Moritsugu greeted the audience and stated it is her pleasure to share this floor with everyone on behalf of the White House, especially in her home state of Hawaii. Ms. Moritsugu thanked Commissioner Michelle Ka`uhane, the President's Commission, WHIAANHPI, the Hawaii Congressional Delegation, the State of Hawaii, every member of the federal family, and partners at National ACE. Ms. Moritsugu shared that since his first day in office, the President has made it a priority in his administration to advance equity for underserved communities. Throughout the past two years, the Administration has been able to make historic strides in doing so through

hosting economic summits and launching the first national strategy to advance equity in AA and NHPI communities with a whole-of-government approach. Ms. Moritsugu informed the audience that both she and Krystal have worked hard to bring together our community, visiting dozens of diverse communities across the nation in both celebration and trauma. They have listened and learned from local leaders and now integrate those learnings in their policies. Thanks to President Biden, Ms. Moritsugu believed we have become more visible together. Ms. Moritsugu encouraged the need for support from strong partners like those in this room and online to strengthen efforts in the White House to increase equity. Ms. Moritsugu introduced Sonal Shah, the Chief Commissioner.

Commission's Charge and Goals for the Meeting

Chief Commissioner Sonal Shah commented on the significance of the event's location at the Hawaii State Capitol and recognized the role Native Hawaiians play in the nation and in the committee's efforts. She laid out a series of reminders to set the tone of the meeting:

1. Executive Order 14031 authorizes the Commission to advise the President on ways to advance equity, justice, and opportunity for the Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities. There are seven priority areas the Commission must keep in mind while submitting recommendations to the President.
2. The purpose of the Commission and its subcommittees is to do the research for recommendations by working with think tanks, academia, non-profits, etc.
3. The Commission advises the President. Members are not policymakers nor employed by the government. The Commission is an independent federal advisory committee, a distinction the public should be aware of.
4. Subcommittee recommendations could be held or tabled during the full meetings, as the Commission may not have the accurate data, citations, proper input, or facts to come to an informed conclusion.

Chief Commissioner Shah concluded by briefing the room on the past work of the Commission and its six sub-committees.

- Subcommittees deliberated and developed recommendations for the President.
- Members met biweekly, even weekly at times.

Remarks by Marvin Figueroa, Director of the Office of Intergovernmental and External Affairs (IEA) at the U.S. Department of Health and Human Services (HHS)

Director Marvin Figueroa spoke on behalf of Department of Health and Human Services (HHS), Secretary Xavier Becerra. For the past few months, HHS has made great strides to meet with local organizations, schools, clinics, and others to properly approach and support AA and NHPI behavioral health.

Additionally, he mentioned the AA and NHPI community's issue with Hepatitis B and the possible HHS dollars that could be allocated for treatment and preventative efforts.

Next month, HHS will host a Behavioral Health Summit, and steps have been taken to ensure AA and NHPI voices are heard in areas, such as Medicaid, reproductive health, and hiring.

Immigration and Citizenship Status Subcommittee

Co-Chairs: Commissioners Grace Huang and KaYing Yang

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

Ex-Officio Member: Carol Wu

DFO: Linda Cheng

Before presenting the first problem statement and recommendations, Commissioner Ajay Bhutoria relayed updates to recent immigration policy changes:

1. USCIS provided guidance on employment authorization documents based on compelling circumstances. This guidance allows individuals facing urgent situations, such as humanitarian concerns or compelling employment reasons, to apply for and receive an EAD while their underlying immigration application is pending. The commission is reviewing the recommendation on granting EADs to those who have approved I-140s and who have been waiting in the visa backlog for 5 or more years. We are talking to the relevant agencies to ensure an accurate recommendation.
2. In December 2022, the Commission recommended revising aging out kids on their parents' Green Card Application. The USCIS revised child age-out calculation policy to benefit some adjustment of status applicants. The revised policy calculates the age of children in certain immigration cases, providing greater clarity and fairness, ensuring that eligible children retain their eligibility for immigration benefits and do not age out of the system.
3. In September 2022, the Commission recommended that USCIS should begin stamping H1B visas in the U.S. Recently the State Department announced launching a pilot program for domestic renewals of temporary work visas. This aims to streamline the visa renewal process and reduce processing times. The program will initially focus on H1B and L visa holders, with plans to expand it to include other eligible categories in the future.
4. In December 2022, the Commission recommended actions to reduce significant visa appointment wait times. The Administration has taken steps to reduce wait times and improved the visa appointment processes. Visa appointment delays have been significantly reduced to 2-4 weeks, allowing individuals to plan their travel and immigration processes more efficiently. Additionally, students applying for a student visa can now do so up to one year prior to their college admission date, providing them with greater flexibility and ease of transition.

Commissioner Underwood shared the subcommittee's **first recommendation**, stating that COFA migrants from Palau, the Marshall Islands, and the Federated States of Micronesia face

multiple challenges related to proving that they are lawfully present in the United States. Many COFA citizens face significant delays and costs in replacing U.S. entry receipts, known as I-94 cards, creating difficulty in getting housing, jobs, drivers' licenses, and unemployment insurance. In addition, at times, their identification documents do not match information in the e-verification system, creating more problems with maintaining employment. The Commission recommends that DHS should streamline and expedite the process for accessing and/or replacing lost or distorted I-94 cards, making it more affordable and efficient, with a turnaround time of less than three weeks. In addition, the Commission also recommends that DHS should exempt or waive fees for COFA migrants who apply for replacement I-94s.

Questions and Discussion

Commissioner Underwood provided the rationale for the recommendation. According to the subcommittee's research, COFA migrants struggle to obtain access to work, government benefits, and legal rights. Although COFA migrants have the right to enter and live in the US under the Compacts of Free Association, many COFA migrants have difficulty navigating immigration processes. In particular, COFA migrants with I-94 cards in expired or lost passports are unaware of how to renew or obtain residency documents. In some cases, migrants faced \$445 fees for new I-94s, and some even found it easier to leave the country and cross the border to receive new documentation. I-94s are required to obtain *free* employment verification.

Commissioner Bhutoria supported the recommendation, believing that streamlining the process will help migrants acquire employment and go about their daily lives.

Commissioner Daniel Dae Kim asked if there is an underlying cultural reason for the mismatched information in the e-verification system. Commissioner Underwood responded that some of the incorrect documentations are a result of name confusion. However, the recommendation presented is more concerned with the paper I-94s that were attached to expired passports. This issue is not culture-based. Rather, the problem arises from the difficulty of acquiring I-94s within the U.S.

Commissioner KaYing Yang added to Commissioner Underwood's comments about streamlining the process and approved the recommendation.

Commissioner Michelle Ka`uhane applauded the subcommittee's work, adding that this recommendation directly tackles the issue of the unhoused population. She emphasized the reality that large portions of the unhoused population are of AA and NHPI descent, who cannot find employment on account of such difficulties.

Commissioner Luisa Blue expressed her confusion about the legal status of COFA migrants, suggesting the recommendation strengthen and sharpen its asked to ensure agencies will approach processing more efficiently. Commissioner Underwood first replied the problem is that it is confusing for many agencies to understand that COFA migrants are citizens of independent nations with US employment rights. He later reiterated this recommendation is focused on the I-94s, and there needs to be another recommendation on FEMA disaster relief accessibility.

Commissioner Bhutoria directed his comments to Commissioner Luisa Blue and explained the role I-94s have in the employment process and the difficulty of obtaining a new copy.

Commissioner Kimberly Chang highlighted the unemployment barriers for COFA migrants also increase health disparities, as the nation depends on employment-based health insurance.

Commissioner Amy Agbayani shared the subcommittee's **second recommendation**, stating that individuals from Asian and Pacific Island countries who are detained by Immigration and Customs Enforcement (ICE) fail to understand and are unable to fully participate in immigration proceedings. Failure to provide language services results in wrongful removals, prolonged detention, and other harms to limited English proficiency (LEP) noncitizens in violation of federal law and policies, as well as the federal government's commitment to equity, due process, and justice. This includes but is not limited to language services for all communications between detained individuals and employees of the detention facility, ICE and other DHS components, in the law library, medical care, and translation of immigration forms. The Commission recommends that DHS/ICE require any and all of their procurements for services involving interaction with immigrants, include in the evaluation criteria, a requirement for competent language translation services.

Questions and Discussion

Commissioner Kim inquired about the experience of Spanish-speaking immigrants, asking if they have access to budget funds for translating purposes. Commissioner Agbayani replied there are more Spanish-speaking personnel, law enforcement, and resources available to that specific demographic. Commissioner Kim added it would be beneficial to explicitly state "languages from Asia" in the recommendation.

Commissioner Grace Huang expressed there is no budget allocation for any language access, and language accessibility is not an *enforced* component of contracts between ICE and its contractors. The services that are available must have the capacity to accommodate all languages. She shared that DHS is currently working on the accessibility of Indigenous languages from neighboring countries. However, there is a long way ahead because there is no system of accountability for contracts.

Commissioner Kim asked what metrics would be used to measure the impact of the recommendation.

Commissioner Victoria Huynh expressed her support for the recommendation and emphasized Commissioner Kim's question. She asked if 1% is enough for language needs at the border.

Although the exact budget is unknown, Commissioner Agbayani explained there is an apparent financial need for language access. An allocation of 1% at least makes visible the problem and provides more money than what currently exists. Commissioner Huang shared that the ICE Enforcement and Removal (ERO) budget is \$4.52 billion, with \$2.88 billion set aside for custody operations.

Commissioner Smita Shah referred to Commissioner Huang's previous comments about contractors. She suggested adding wording to the recommendation that requires ICE contracts to include language access services. Commissioner Huang approved of incorporating those changes later.

Commissioner Blue expressed 1% is a good start but advocated for a more precise figure for future funding in translation services. She emphasized the importance of response time.

Commissioner Chang shared one comment and one question. To the public viewers, she addressed that the Commission is attempting to tackle this issue from various angles. She then asked if they had access to the numbers of individuals turned away because of the lack of language access in the courts. Chief Commissioner Shah said there can be another recommendation later to collect such data.

Commissioner Kamal Kalsi expressed support for the recommendation and stated that the lack of inefficiency and costs should not stop the federal government from providing translation services at borders.

Commissioner Kerry Doi inquired about the standards of becoming a certified translator.

Commissioner Agbayani answered his question by saying there are no clear standards for many languages. Only a few languages require certification in courts. Chief Commissioner Shah shared her concern that the topic of certification might stunt the passage of the recommendation. As a follow-up, Commissioner Teresita Batayola warned that the Commission should prioritize competency in language services over legal certification of translators.

From this discussion, Chief Commissioner Shah emphasized two main points: the recommendation needs to emphasize AA and NHPI language in the 1% budget allocation and ICE operations need to incorporate translating services in their contracts.

Commissioner Huang shared the subcommittee's **third recommendation**, explaining that there is a lack of clear policy governing how the Department of Justice (DOJ) and Department of Homeland Security (DHS) should treat claims of gender-based persecution by survivors of domestic violence, sexual assault, forced marriage, and other forms of gender-based violence seeking protection under U.S. asylum law and policy, including from Asian and Pacific Island countries. The Commission recommends that DOJ and DHS should promptly issue new asylum regulations and track performance metrics to provide consistency in the U.S.'s treatment of gender-based violence as a basis for humanitarian protection and asylum in U.S. immigration policy.

Commissioner Huang provided background context. U.S. immigration law provides that certain non-citizens can be granted relief if they are vulnerable to persecution in their country of origin. To qualify for asylum, applicants must prove they fled from past persecution or face future persecution on account of race, religion, nationality, or sexual orientation. In June of 2018, Attorney General Sessions overturned an applicant's asylum request, turning over years of precedent by disqualifying individuals, who fear domestic abuse, from asylum eligibility. The

Biden-Harris Administration issued an executive order to cover the availability of asylum. President Biden directed the Secretary of Homeland Security to review applications involving gangs or domestic violence within 270 days. That time frame has expired, and there remains confusion in the field and inconsistency in regulations.

Questions and Discussion

Commissioner Raynald Samoa questioned if this recommendation applies to the queer community, specifically transgender individuals. Commissioner Huang replied the recommendation speaks directly to the persecution of social groups, including the LGBTQIA+.

Commissioner Simon Pang shared the subcommittee's **fourth recommendation**. The Commission recommends that the Department of Justice (DOJ) and Department of Homeland Security (DHS) should promptly issue new asylum regulations and track performance metrics to provide consistency in the U.S.'s treatment of gender-based violence as a basis for humanitarian protection and asylum in U.S. immigration policy. The Commission recommends that DHS should translate the CBP One™ mobile application into multiple AA and NHPI languages.

Questions and Discussion

Commissioner Mia Ives-Rublee touched on Commissioner Batayola's previous point about prioritizing competency over certification in language services. She suggested advocating for training and building a base of translators to do the work that needs to be done. There needs to be another recommendation to raise funding for a pipeline of individuals who are able translate for areas like healthcare or immigration.

Commissioner Agbayani shared that the Language Access Subcommittee has previously identified the need for a base of translators and agreed there must be a pipeline of qualified language translators and interpreters.

Commissioner Huynh expressed strong support for the translation of a mobile application. She asked if there were any considerations for live support or alternatives. She highlighted the reality that apps are not always user-friendly.

Commissioner Kim introduced artificial intelligence (AI) into the conversation, asking how language services and applications can implement new technology.

Commissioner Ives-Rublee warned that borders already use AI services, and she expressed through a story that technology can sometimes cause severe mistranslations and consequences.

Commissioner Yang commented that the CBP One™ app is the official application used at the border, and it is likely to go global soon. Given that reality, the Commission needs to ensure that the app has the appropriate translations of various languages. Moreover, Commissioner Yang answered Commissioner Huynh's question about live support, stating the subcommittee has thought about advocating for in-person translators at the border. However, there is a lack of

POCs and/or individuals with a diverse set of language knowledge. The idea of live support might need to be incorporated in a separate recommendation.

Commissioner Huang highlighted there is limited accountability in the process for people who are unable to access the CBP One™ App. Often, people are turned away because border patrol is not interested in working with individuals who do not use or do not know how to use the app.

Commissioner Batayola advised that the Commission continue to care for those who are underrepresented and to recognize the impact of cultural or personal cues. Although the subcommittee is working on access, she suggested it do more for communication modules.

Commissioner Naheed Qureshi questioned the specific languages that were mentioned in the recommendation, asking if those languages were in most demand or if they were simply examples. In response, Commissioner Yang agreed to open the options to all Asian and Pacific Islander languages, as the subcommittee does not have the data for which languages are most needed at the border.

Chief Commissioner Shah suggested to Commissioner Agbayani to look into past language access requests in other areas, such as public health and legal, to ensure translation quality and competency across all fields.

Commissioner Bhutoria shared the subcommittee has been discussing a future recommendation for a language access transition board.

Commissioner Bhutoria shared the subcommittee's **fifth recommendation**, explaining that the Department of Homeland Security (DHS) is authorized by Congress to issue up to 480,000 family-based immigrant visas (Green Cards) and 140,000 employment-based Green Cards annually. However, bureaucratic delays in the green card application process have resulted in the full number of available green cards not being issued, despite a significant number of people waiting in backlogs to receive them. The Commission recommends that the Department of Homeland Security (DHS) and the Department of State should recapture unused green cards for family and employment categories from FY 1992 through 2025. The Commission also recommends that the State Department, in cooperation with DHS, should adopt a new policy that confirms all green cards, per annual limit, remain available for an eligible immigrant even if the agencies cannot process the relevant paperwork in that fiscal year. This policy should be applied retroactively to recapture green cards that were unused before the new policy goes into effect.

Questions and Discussion

Commissioner Batayola agreed that recapturing green cards is necessary but expressed fear of this recommendation “opening up a Pandora’s Box,” as any immigration change in the nation tends to be stymied. She wanted to be sure that green cards are distributed appropriately. Commissioner Bhutoria affirmed this point and recognized the backlogged process’ negative effect on immigrants. He emphasized this recommendation solely tackles the waiting period of the process, and it does not deal with how the allotment should be done. Another recommendation should be made to address the allotment process.

Commissioner Kalsi reiterated that over a million allotments would be recaptured through the recommendation, and he echoed Commissioner Batayola's suggestion of more equitable allotments. He urged another recommendation to ensure the appropriate disbursement of the recaptured green cards.

Health Equity Subcommittee

Co-Chairs: Commissioners Teresita Batayola, Kerry Doi, and Mia Ives-Rublee

Members: Commissioners Victoria Huynh, Dr. Kimberly Chang, Michelle Ka'uhane, Dr. Kamal Kalsi, and Ajay Bhutoria

Non-Commission Member: Dr. Quyen Ngo-Metzger

DFO: Viviane Chao

Commissioner Batayola introduced the subcommittee's co-chairs and members, and shared the subcommittee's priority areas: combating domestic, intimate, physical and/or sexual violence; addressing mental health issues, including a focus on anti-bullying resources; human trafficking; COVID-19 and equitable response; environmental justice; challenges in accessing healthcare; data collection and disaggregation issues; and the healthcare workforce.

Commissioner Batayola noted that the subcommittee met with multiple presenters on a range of issues, which informed their recommendations:

- **Sherry Hirota, former President, Asian Health Services:** Presented an overview of medical underserved area/medically underserved population (MUA/MUP) definitions, and how including Limited English Proficiency (LEP) as a category of MUP could improve health disparities and increase equity, justice, and opportunity for LEP AA and NHPI people
- **Thu Quach, Asian Health Services:** Together with Ms. Sherry Hirota, presented an overview of MUA/MUP definitions, and how including LEP as a category of MUP could improve health disparities and increase equity, justice, and opportunity for LEP AA and NHPI people
- **Matthew Tejada, Office of Environmental Justice, U.S. Environmental Protection Agency:** Presented information on the funding distribution of the Inflation Reduction Act funds, and the design and deployment of Inflation Reduction Act (IRA) funds designated for environmental justice
- **Alyssa Burgess, Director of Career Pathways and Kristina Alnajjar, Chief Operating Officer, Washington Association for Community Health:** Presented on how Washington Association for Community Health has made progress on accelerating workforce development through its healthcare apprenticeship program

Commissioner Ives-Rublee presented the subcommittee's **first recommendation**, explaining that the AA and NHPI communities have the highest rates of specific cancers, including breast cancer and gastrointestinal cancer, yet many individuals face barriers to preventative or early detection care due to numerous issues. The subcommittee recommends both the U.S. Department

of Justice’s (DOJ) Disability Rights Section and the U.S. Department of Health and Human Services’ Office for Civil Rights (HHS OCR) should adopt and enforce the Access Board’s recommendations on medical diagnostic equipment accessibility standards to improve the ability of disabled people and older adults to be evaluated and diagnosed by their providers. This policy should also provide federal grants to help community health centers to add more accessible equipment in their facilities and increase access to cancer education to non-English speaking communities in culturally competent, easy to understand language.

Questions and Discussion

[There were no questions raised during this portion of the subcommittee meeting.]

Commissioner Batayola presented the subcommittee’s **second recommendation**, explaining that the COVID-19 pandemic disproportionately affected AA and NHPI communities during the Public Health Emergency and continues to do so on an ongoing basis. These devastating impacts include anti-Asian hate, the decimation of AA and NHPI healthcare workforces, and pronounced mental health crises. The subcommittee recommends the collection, disaggregation, analysis, and publishing of data impacts of COVID-19 on AA and NHPI with emphasis on:

- Disaggregated data for Native Hawaiians and Pacific Islanders
- Disaggregated data for language preference
- Disaggregated data for immigrant, refugee and COFA populations
- Disaggregated data for disability, LGBTQ+ and other marginalized communities
- Disaggregated data beginning March 2020 for rates of testing, vaccination and booster rates, hospitalization and death rates, as well as the long-term effects of COVID-19

Next, it recommends the Biden-Harris Administration conduct culturally and linguistically appropriate targeted public health campaigns on the benefits of vaccines; address vaccine hesitancy; and designate community-specific vaccination days by partnering with trusted community organizations and re-establishing funding and resources for targeted vaccinations.

There needs to be policies in place to identify the appropriate federal agencies for the data analysis and reports and public health campaigns, starting with the Centers for Disease Control and Prevention, Office of Minority Health, the National Institutes of Health, as well as the Health Resources and Services Administration, the Administration for Children and Families, the Administration for Community Living, and the Centers for Medicare and Medicaid Services. There should be immediate steps taken to address ongoing barriers to care, treatment, and medication for underserved populations (which were accentuated during the pandemic), especially for those who are immigrant, refugee, or COFA. Moreover, the Biden-Harris Administration should continue to expand Medicaid coverage and include coverage for those who are limited by the 5-year bar (legally present in this country but uncovered for their first 5 years).

With the existence of telehealth, the Commission additionally recommends digital literacy efforts and digital equipment resources to address the digital divide for underserved communities, including AA and NHPI.

Finally, the Commission suggests the Biden-Harris Administration establish a standard across federal agencies for data collection, disaggregation, analysis, and publishing of public health emergencies, natural disasters and human-made disasters, including violence against communities, and they should provide program funding to community-based organizations to address these issues based upon the data collected.

Questions and Discussion

Commissioner Blue asked where HHS collects current data. Commissioner Batayola responded that HHS utilizes its various agencies and public health organizations across the country, but the data is not disaggregated so we do not know what is happening in the community. Commissioner Blue followed up by asking if there was any reaching out from the Association of Asian Pacific Community Health Organizations (AAPCHO) to get data. She further specified that she wants to know if HHS is truly reaching out into AA and NHPI communities to get the data they need. Commissioner Batayola responded that AAPCHO, to her knowledge, does not have the capacity to collect this data, so they are also reliant on HHS's data.

Commissioner Blue then asked how community health centers (CHCs) that depended on government COVID funding are doing now, given emergency funding has ended. Commissioner Batayola responded that requests to make those resources available again are embedded in the recommendation.

Commissioner Chang responded that HHS does not seem to have a centralized place for the collection of AA and NHPI data, especially for COVID. She commended the Bureau of Primary Health Care (BPHC) and the Health Resources Services Administration (HRSA) for their efforts to collect disaggregated data in AA & NHPI communities, specifically data on the languages spoken for vaccines, testing, and COVID rates. She said she hopes other HHS components will follow suit.

Commissioner Batayola mentioned that she thought some other federal agencies, such as the Department of Education, may have indicators of disproportionality that could be helpful.

Commissioner Samoa commented that this recommendation was very thoughtful and noted that there are some sources that have been able to collect disaggregated data (*e.g.*, COVID tracker). Moreover, he shared that some other organizations, such as the UCLA NHPI Data & Policy Lab, have been able to use the COVID tracker and provide more accurate data. He suggested including the word "accurate" in the recommendation because there is a lack of attention for disaggregated data, with some states reporting that 120% of AA and NHPI communities are vaccinated. He ended with an emphasis in the need for community input in data collection.

Commissioner Bhutoria presented the subcommittee's **third recommendation**, explaining that there is a critical need for mental health support for students in schools and colleges, an issue that

is particularly significant for AA and NHPI students because they face unique challenges in accessing mental health resources due to cultural and linguistic barriers. The subcommittee recommends that the U.S. Department of Health and Human Services and the U.S. Department of Education issue guidelines and invest in reducing student-to-counselor ratios in public schools and colleges to improve Tier 1 mental health support for students, inclusive of Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI).

Specifically, the two departments' guidelines should set a maximum ratio of 250:1 for schools and colleges to ensure adequate mental health support for students as well as provide additional funding to increase the number of counselors and mental health professionals available to students, particularly those with a significant Asian American, Native Hawaiian, and Pacific Islanders student population and also at Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI). Additionally, both departments need to cater to counselors and mental health professionals to address the unique mental health needs of AA and NHPI.

The Department of Health and Human Services and the Department of Education can implement these guidelines by encouraging schools and colleges to invest in reducing student-to-counselor ratios; providing information on available resources, such as federal grants and loan forgiveness programs for counselors who work in public schools and colleges; and prioritizing mental health support as part of their overall wellness programs.

Finally, the Department of Education should establish a reporting system that requires public schools and colleges to report their student-to-counselor ratios annually and to set goals for improvement, including at AANAPISI-designated educational institutions.

Questions and Discussion

Commissioner Blue shared that it is difficult to gather data because there is so much training required. However, she stated there can be ways to connect with the broader community via unions who represent staff at the universities because they are the first to see mental health issues. She suggested there might be a way to expand the Commission's outreach to more on-the-ground people, as mental health has always been an issue in AA and NHPI communities. She also noted that funding for CHCs in AA and NHPI populations has always been a major obstacle. While she supports the resolution, she believes the recommendation should prioritize expanding to more people on the ground. Commissioner Bhutoria agreed that there should be more support for these systems and agreed to think about expanding in the future.

Commissioner Huang echoed Commissioner Blue's recommendation. In addition, she mentioned that there should be consideration for strengthening cultural competency of mental health services to recognize unique challenges facing AA and NHPI students, particularly obstacles of racism and xenophobia. Commissioner Bhutoria responded that her comment is a strong point that could be involved in a future recommendation from this subcommittee on having guidelines, training programs, and support for community organizations, all of which would provide services to these specific communities.

Commissioner Ives-Rublee commented that cultural competency is especially important for more recent arrivals to the country. Given that, for many recent AA and NHPI immigrants, mental health looks more like physical health, providers could completely miss the point of the mental health treatment protocols. She emphasized decreasing the ratio of mental health providers to clients, which is a chronic issue across the board. Furthermore, she recommended creating a peer support of specialists and peer training programs because students may be more ready to listen to people their age than adults with topics like mental health, relieving the strain on mental health providers.

Commissioner Huynh recommended including language about providing additional parent and guardian engagement support in the recommendation.

Chief Commissioner Shah asked Commissioners Blue and Huang a clarifying question on whether they were suggesting adding language to the recommendation about working with nonprofits or community-based organizations (CBOs), or whether they wanted a completely new recommendation.

Commissioner Huang reiterated that she believes the recommendation should be updated to include cultural competency.

Chief Commissioner Shah summarized the changes to the recommendation: the first regarding parental and guardian support, and the second regarding cultural competency.

Commissioner Samoa made a comment emphasizing that the AA and NHPI communities are not monolithic. He said that, on paper, it looks like AA and NHPI communities are doing well, but there is a high dropout rate from high school to college, indicating dire need for mental health services. He recommended adding some language to that effect.

Chief Commissioner Shah recommended that the commissioners confer afterwards to finalize changes in language in the recommendations.

Commissioner Ives-Rublee presented the subcommittee's **fourth and final recommendation**, explaining that Limited English Proficiency (LEP), which is prevalent within AA and NHPI communities, should be a much more significant factor in the Unmet Need Score (UNS) that the Health Resources Services Administration (HRSA) calculates to evaluate the need for new federal Health Center Program investments. The subcommittee recommends the following:

- HHS should increase the weight of limited English proficiency (LEP) in medically underserved areas (MUA) and medically underserved populations (MUP) definition and formula to determine scores for allocating federal funding to new access points for health centers and encouraging health professionals to work at high-need health centers.
- HHS should revisit and review all recommendations put forward in the 10/31/2011 “Negotiated Rulemaking Committee on the Designation of Medically Underserved Populations and Health Professional Shortage Areas: Final Report to the Secretary;”
- The HHS OCR should review different federal definitions of vulnerable populations, social deprivation, marginalized populations, socioeconomically disadvantaged, social

determinants of health, language and cultural barriers, underserved populations, and high-risk populations.

- Ensure that LEP is included in all definitions, particularly since resource allocation and grant eligibility are driven by such definitions in the various agencies;
- LEP should always be considered in any federal government equity framework.

Questions and Discussion

Commissioner Huynh suggested that the formula for weighing LEP in determining recommendations for new health centers should include and grandfather in existing access points and health centers. Commissioner Batayola responded that this point is included in the problem statement because it highlights procuring new funding for access points, and the recommendation is focused on changing the definition to create new access points. However, she said the Commission could make small amendments to highlight that difference between new funding and existing access points in the problem statement and the recommendation.

Language Access Subcommittee

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

Members: Commissioners Kerry Doi, Grace Huang, Ajay Bhutoria, and Simon Pang

Ex-Officio Member: Lauren Laglagaron

DFO: Viviane Chao

Commissioner Agbayani presented the Language Access Subcommittee's eight priority issue areas, which are (1) improve language access in the justice system (2) increase outreach and engagement with communities with LEP populations (3) improve language access funding for healthcare to serve LEP families (4) prioritize and expand federal funding for AA and NHPI language access (5) build a pipeline of qualified language translators and interpreters (6) translate federal agency communications into multiple language's (7) collect and analyze disaggregated information on specific languages within LEP populations, and (8) address the needs of lesser diffusion language groups in the U.S.

Commissioner Agbayani acknowledged the presenters which spoke to the subcommittee and offered knowledge to inform the subcommittee's decisions:

- **Victoria Udalova, U.S. Census Bureau, EHealth Program:** Presented an overview on Census Bureau's EHealth partnership with American Board of Family Medicine (ABFM) and Stanford University to conduct research on social determinants of health in the primary care setting and explore ways to improve current survey data collection efforts
- **Morgan Rodman, White House Council on Native American Affairs, and Naomi Miguel, White House Initiative on Advancing Education Equity, Excellence, and Economic Opportunity for Native Americans:** Presented an overview of the White House Council on Native American Affairs relating to language preservation and development

- **LaShawn McIver, CMS Office of Minority Health:** Presented language access efforts relating to recipients of Centers for Medicare and Medicaid Services funding, and data collected by CMS about spoken languages
- **Irene Bueno, Former Deputy Assistant Secretary, HHS & Special Assistant to President Clinton, Domestic Policy Council:** Presented background and efforts related to development of EO 13166 under the Clinton Administration

Commissioner Huynh presented the subcommittee’s **first recommendation**, explaining that AA & NHPI LEP individuals continue to face significant language barriers while accessing federal government services despite the Executive Order 13166 signed over 22 years ago. The Commission recommends that by December 2023, the President establish a Task Force on Language Access and Equity to assess the current state of language access affairs and explore language for a new Executive Order on Language Access and Equity. The mission of this Task Force will be to establish language access data collection standards and consistent language access enforcement strategies across all federal agencies and report to the Attorney General. This initiative will build upon E.O. 13166 and provide further recommendations for an enhanced E.O., known as the Language Access and Equity Executive Order, to be issued in 2024. The following areas should be addressed by the Task Force:

- The Task Force should include the participation and involvement of the following agencies and offices: the White House, Domestic Policy Council (DPC), Chief of Staff’s office, Department of Justice (DOJ), Office of Civil Rights (OCR), Federal Coordination and Compliance Section, Office of Legal Counsel, Office of Management and Budget (OMB), Department of Health and Human Services (DHHS), Department of Homeland Security (DHS), and current designated federal Language Access Coordinators and/or personnel.
- The Task Force should include the participation and involvement of the following agencies and offices: the White House, Domestic Policy Council (DPC), Chief of Staff’s office, Department of Justice (DOJ), Office of Civil Rights (OCR), Federal Coordination and Compliance Section, Office of Legal Counsel, Office of Management and Budget (OMB), Department of Health and Human Services (DHHS), Department of Homeland Security (DHS), and current designated federal Language Access Coordinators and/or personnel.
- This Task Force should also engage with AA & NHPI and other community language access advocates, language service providers, and stakeholders to identify the language access service gaps for LEP AA & NHPI individuals.
- The Task Force should identify all service entry points within each federal agency where barriers exist for LEP AA & NHPI communities. These entry points are areas where individuals interact with the federal government online, on the phone, in person, or through other forms of communication. The Task Force should establish a language access data collection protocol that includes the collection of disaggregated data for AA & NHPI language needs to enable a more accurate assessment of language access gaps within this diverse community.

- The Task Force should identify enforcement mechanisms in each federal agency and expand agencies' capacity to strengthen accountability measures, train personnel on language access requirements, and establish consistent reporting and processes for addressing language access complaints.

Questions and Discussion

Chief Commissioner Shah asked the commissioners for any comments they would like to make for the first recommendation.

Commissioner Kalsi thanked the subcommittee for their thoughtful and thorough work with their first recommendation. He stated that he is very appreciative of all the hard work the Language Access subcommittee has done.

Commissioner Bhutoria stated that he believes this recommendation is going to start a process that would lead to further support for language translation.

Commissioner Huang addressed the longtime need for the federal government to acknowledge the necessity of language access and supports this recommendation as a great step in doing so.

Chief Commissioner Shah expressed a long time need to address the issue of language access and thanked the commissioners for spotlighting their recommendation.

The Commission took a short break to address technical difficulties with the livestream platform.

Commissioner Chang then presented the subcommittee's **second recommendation**, explaining that because the U.S. Census Bureau collects data on languages spoken through the American Community Survey, this program has the potential to identify and produce research on health disparities and health inequities based on language access of patients and language concordance with providers, when collaborating with external partners for health records data. To date, language access and concordance is not being analyzed or included in the current EHealth research collaborations. The Commission recommended the U.S. Census Bureau EHealth program includes analysis on language access and concordance for limited English proficient (LEP) individuals and populations, as a routine and standard part of all research projects/programs/collaborations with any external partner, as part of the interests of the federal government in understanding and addressing health disparities and health inequities affecting LEP populations.

Questions and Discussion

Commissioner Chang stated how many of the presentations earlier in the day talked about exciting new partnerships with different programs across multiple institutions. It is important to recognize the government as an equal partner through these Bureau Census data sets. We have a national interest to analyze language access data and health outcomes. Therefore, the federal government can leverage its position to require a standard and routine analysis of this language access with programs. When looking at research, limited English proficiency is seen to cause higher numbers of fatalities due to Covid-19 as well as lower numbers of vaccinations. It is proven that greater language access can lead to better health outcomes, yet there exists a huge

need for research in EHealth Programs, which has the capacity to be successful given its data sets with language access and its ability to partner with large health systems with individual patient and provider information. Because it is a new program with new research programs, they have a lot of potential. Therefore, EHealth should include language access in their projects going forward.

Chief Commissioner Shah stated that this recommendation connects to the health equity subcommittee recommendation in terms of how to collect data about which communities and what kind of data is useful in treating cancer and other health issues. There may be a connection we can look at in the future between the two subcommittees on the EHealth collection of data with language access and how we get access to communities.

Commissioner Chang underscored Chief Commissioner Shah's comment and stated that the subcommittee was originally thinking about co-sponsoring this recommendation with the health equity subcommittee. However, given the robust recommendations coming out of other subcommittees, they wanted to make a specific recommendation tailored to language access. The subcommittee also wanted to point out to EHealth that language access is a large driver of health and health equity. With EHealth's presentation to the subcommittee, it seemed EHealth was very aware of the need to increase language access.

Commissioner Huang stated that she is not familiar with EHealth and asked Commissioner Chang for any information on EHealth's standard protocols, policies, or procedures for patient confidentiality.

Commissioner Chang responded to Commissioner Huang that EHealth does have protocols, policies, procedures, and firewalls that blind identification in their data sets. She states Commissioner Huang can look at their website to find out more. Commissioner Chang stated that she was personally satisfied by their privacy procedures, and already have these structures in place to protect patient confidentiality.

Commissioner Batayola stated the Commission understands how much of our community is blocked from receiving health care. The census is responsible for the distribution for resources and funding for our communities. The ongoing and traditional low account of our communities has caused less funding at attention towards our needs. Commissioner Batayola thanked the Commission for this recommendation.

Chief Commissioner Shah reminded the Commission that the government already works with many healthcare organizations. We should think about how the government can talk to foundations who can sometimes fund things sooner, or at least test out ideas even if the government will not fund it immediately. It may be worth thinking about how to leverage the voice of government in helping to get the message out to foundations about philanthropy across the board and how to incorporate language access.

Commissioner Agbayani then presented the subcommittee's **third recommendation**, explaining that the Hawaiian language – 'Ōlelo Hawai'i – has long been identified as endangered and is now recognized as an official language of the state of Hawai'i. Therefore, there is a need to fully

implement NALA with adequate resources and planning that includes Hawaiian language revitalization expertise in coordination with other Native American language revitalization communities. The Commission recommends that:

- The Department of the Interior should increase support for the implementation of The Native American Languages Act of 1990 (NALA), *e.g.*, develop new programs specifically focused on building on the success of Native American language medium/immersion education (NALA Section 104 (3)).
- Continue and expand federal programs that are relevant to Native Hawaiian language support, *i.e.*, those in ESEA Titles VI and III, the recently passed National Native American Language Resource Center.

Questions and Discussion

Commissioner Agbayani stated that for background information, Hawaiian was the primary language of all Hawaiians at time of the U.S. Annexation in 1898, and during the Hawaiian monarchy, Hawaiian was used in everyday life as well as in government and schools. The U.S. imposed compulsory use of English in all these fields and children were punished for using Hawaiian in both public and boarding schools. In 1959, very few people under the age of 40 spoke native Hawaiian. However, in 1978, at the height of the Hawaiian Renaissance, a State Constitutional Convention was held, and the new constitution required state promotion of Hawaiian, but did not make it an official language. In 1983, grassroots movements started to revitalize Hawaiian language schooling and its language preschools formed the basis for which public P-12 Hawaiian-medium immersion schools have developed. In 1983, only around 2,000 people were counted to speak Hawaiian. By 2020, over 25,000 were counted to speak Hawaiian. These large numbers are self-reported and reflected the movement to use words and phrases instead of its full frequency. However, growing numbers of families are raising their children with Hawaiian as their first language. Schools are also producing highly literate and bilingual students, with increasing numbers of college graduates. The Commission is very pleased to be making these recommendations in Hawaii and would like to thank Commissioner Ka`uhane for her assistance with the committee.

Commissioner Ka`uhane thanked the committee for the recommendation and stated that the heart of Hawaiian culture is the perpetuation of our language. In 1983, ‘Aha Pūnana Leo started Hawaiian-speaking preschools. Because this program encouraged parents to also learn Hawaiian with their children, we now have a vibrant community of native Hawaiian speakers from K through 20. ‘Aha Pūnana Leo was really the grassroots movement that helped us uplift the 90-year ban of speaking Native Hawaiian. Commissioner Ka`uhane thanked the commissioners for their hard work to help revitalize Hawaiian language. The reciprocal nature and the connection between Kanaka people and ‘Āina exists and is the solution to so many of the problems we face such as climate resistance. These solutions are rooted in the stories that are passed down in Hawaiian language. She strongly supported this recommendation.

Commissioner Kim thanked the commissioners and was in support of this recommendation as well. He acknowledged the program that Commissioner Ka`uhane mentioned as extremely

important and asked if there are any more examples of programs that could be implemented in a practical way that would be an example of increased support, other than just increased finances.

Commissioner Agbayani replied to Commissioner Kim that it is not a requirement for Native Hawaiian language to be taught in high schools. The more important thing is visibility and educating people on why Hawaiian language is so important. The funding is to make sure that we have space for these programs within the current curriculum.

Commissioner Kim asked Commissioner Agbayani if it would be helpful to have Native Hawaiian language as part of the core curriculum for schools in Hawaii.

Commissioner Agbayani affirmed that this may be a good recommendation of the future. However, the focus now should be on training teachers and having a more robust curriculum in general. Right now, we are making steps towards doing that, but there are no moves to integrate it into core curriculum yet.

Commissioner Ka`uhane also addressed Commissioner Kim's question, saying that because they have seen so much success with 'Aha Pūnana Leo in the Department of Education, we now have an office of Hawaiian education that is in the superintendent's office that helps to incorporate Hawaiian language and culture into the curriculum at certain ages and times in schooling. There are many different Hawaiian communities which have grown from 'Aha Pūnana Leo and have already integrated Hawaiian language into their curriculum from a very young age. This recommendation is to really acknowledge native Hawaiian Language, so it is incorporated into federal appropriations.

Commissioner Underwood thanked the Commission and supported this recommendation. He pointed to one informational item: the Native American Languages Act of 1990, which includes other Pacific Islander languages that are part of the United States, such as Samoan. In the 1970s, everyone had a mindset that Hawaiian language was a dead language. To some extent, this has been reversed. The institution of these programs was and is vital, and he is looking forward to seeing how this can be expanded to Samoan and other Native Hawaiian and Pacific Islander languages.

Commissioner Yang stated that she works with a lot of educators who are incorporating South Asian languages in schooling, and many of them look to Hawaiian language as an example of revitalization. This recommendation for Native Hawaiian language sets a precedent for other communities. She stated how we have already seen how if you know your native language, you have a strong cultural foundation that shows that children are excelling academically. In addition, this recommendation is also an act of resistance in which indigenous and minority groups can decolonize our minds and retake our culture and history back. In the state of Minnesota, they just passed legislation to allow teachers who teach heritage language to get credentialed. Hawaiian is a role model of how to view revitalization of heritage languages.

Commissioner Chang stated that there is an established link between greater language access and understanding with better health outcomes. There is a saying that it takes one generation to kill a language and six generations to revitalize it. Therefore, when people are excluded from

accessing systems of healthcare and protection, we see how one generation of exclusion can persist to future generations of disparities. Commissioner Chang noted that if we care about health and economic inclusion and equity, we must keep language ability and connection alive, not just for Native Hawaiians, but for the rest of our communities with smaller languages.

Commissioner Shah stated how we know language is important when looking back at culture and history. To make sure we don't lose this great, rich culture is so important. This is one of the few items that falls under the Native American Acts. There is a lot to be done to make sure we are addressing the needs of Native Hawaiians, given they are also one of the largest groups falling under the Native American communities. This recommendation is very well done and makes us really think about Native Americans as a whole and what needs to be done.

Commissioner Bhutoria thanked the Commission for putting the recommendation together, as language is so vital in culture and history. We need to preserve and promote language. Commissioner Bhutoria asked if the commissioners, on the second bullet which says, "Continue and expand federal programs that are relevant to Native Hawaiian language support, *i.e.*, those in ESEA Titles VI and III, the recently passed National Native American Language Resource Center," considered also adding an increase in learning opportunities and platforms in college and community programs.

Commissioner Agbayani responds to Commissioner Bhutoria that the Commission did include that secondary and tertiary schooling would be included in the recommendation.

Commissioner Bhutoria clarified that he meant expanding federal programs that are relevant to expanding learning platforms.

Commissioner Kalsi asked Commissioner Bhutoria whether he meant if the subcommittee would create an additional platform for higher education to offer this type of language support to higher education platforms. Commissioner Bhutoria confirmed that this is correct.

Commissioner Agbayani responded that it makes sense to include all education levels in this recommendation and thanked Commissioner Bhutoria for his suggestion.

Commissioner Huang then presented the subcommittee's **fourth recommendation**, explaining that the Attorney General and the Department of Justice's National Strategy to Combat Human Trafficking have clearly stated that human trafficking victims should be prioritized for identification and offered protection and services during law enforcement operations. Language access, cultural competency, and confidential advocacy services are key to victim identification, protection, and service provision. Despite the high numbers of people with limited English proficiency who are victimized, there is no mention of language access or interpretation in the National Strategy. Furthermore, community-based victim advocacy organizations are not specified in the development of the victim identification protocol in the National Strategy to Combat Human Trafficking. The Commission recommends the federal partners stipulated in the National Strategy, work in partnership with and include community-based victim advocates, community-based organizations, and community-based survivors, and prioritize language access in the development of this protocol. Advocates should be brought into the process early on to

ensure the protocol is framed in a survivor-centered, trauma-informed way and prioritizes language access and cultural responsiveness. Currently, community-based victim advocates are not included in the development of the protocol and there is no mention of language access or interpretation priorities.

Questions and Discussion

Commissioner Huang explained that the largest numbers of people trafficked into the United States come from East Asia and the Pacific, particularly in the massage industry. This is an area where there are challenges with law enforcement because the victims themselves are arrested due to language access problems. We would want development with community-based providers and provide language access so that victims are not retraumatized and blamed.

Commissioner Shah noted that she is wholeheartedly in agreement with this. However, she also stated that addressing general issues of crime in the AA and NHPI communities is particularly difficult because no one wants to report them out of fear of judgement. In the sheriff's department that she worked with in Illinois, they were good about being culturally conscious and reaching out to community organizations. However, it was not just the community organizations but making sure their own team understood the importance of cultural awareness. Would it make sense to add that to the recommendation as well? Not only should law enforcement work with these organizations, but they should also receive cultural awareness training.

Commissioner Huang responded to Commissioner Shah that the first step is to get the cultural community-based programs there so that they can inform the training and these protocols. This would ultimately lead to some of that cultural training. Commissioner Huang stated that she would need to look specifically at the plan itself and AG's protocol to see if there is a place for this particular training, but we do need to incorporate that training into the larger strategy.

Commissioner Shah asked if protocol in this context means an implementation plan.

Commissioner Chang responded that the Attorney General and the Department of Justice launched a national strategy to combat human trafficking. This recommendation is just looking at a part of that, specifically the development of the victim identification protocol during law enforcement operations. In this national strategy, it calls for several federal agencies to partake in the development of protocols, but there is no mention of community-based engagement, community-based advocates, and language access. However, in the national strategy, there is already training for officers in place. In our recommendation, we ask that when there are law enforcement operations, they include in the protocol language access, cultural responsiveness, and trauma informed procedures.

Commissioner Shah stated that a protocol is general, and the subcommittee should emphasize they are addressing a specific portion of that national strategy and capitalize on what is to be delivered.

Commissioner Chang stated that since it is specified in chapter one action item 1.1, we can put how it is referred to in there and put it in quotes so we can say this section is what we are

referring to. Commissioner Chang will go back and emphasize this in accordance with Commissioner Shah's suggestions. In addition, Commissioner Chang stated that victims of sex and labor exploitation are some of the most vulnerable and marginalized in our country. Because of this, this recommendation is important to making sure we do not cause further harm to something that is already traumatizing.

Commissioner Ai-jen Poo stated her support for this recommendation, given the disproportionate numbers of AA and NHPs exploited through sex trafficking. Partnering with an advocacy organization is extremely critical and there already so many programs that have been doing this work. Commissioner Poo argued that it is important to leverage these programs. She thanked the Commission for putting this together, and stated she wholeheartedly supports this.

Commissioner Chang then presented the subcommittee's **fifth recommendation**, explaining that there are no overarching federal guidelines for machine-translated, machine-assisted, or artificial intelligence translations for the federal government, federal contractors, or federal grantees; no systematic ways of collecting data or complaints about harms when it is used; and no mechanisms for redress for people when machine-translations cause harms for people. Whereas web standards have been developed for persons with a disability, there are no equivalent standards for persons with LEP. The Commission recommends that the Office of the U.S. Chief Technology Officer, U.S. Digital Services in consultation with U.S. DOJ Civil Rights Division:

- Develop standards/guidelines around the use of machine-translation or Artificial Intelligence (AI) translation technology when it is appropriate or inappropriate to use by the federal government, federal contractors, or federal grantees
- Develop a process for addressing harmful impacts as well as remedies with respect to machine translation or AI errors.

Questions and Discussion

Commissioner Chang explained that the rationale behind this recommendation is that there are harms when machine learning is used with tandem with immigration processes. In the past, there have been cases of those being denied access to this country because one word was translated incorrectly with machine translators. Another circumstance of AI harming immigration processes is when AI translated incorrect information about vaccines, saying that the vaccine was not necessary as opposed to the vaccine is not required, for migrants coming into the U.S. This recommendation is vital to the wellbeing of AA and NHP individuals given the rapid growth of machine learning and artificial intelligence.

Commissioner Kalsi said he believed this is an important topic to address and was grateful the subcommittee put together this very thoughtful recommendation. However, Commissioner Kalsi argued that although AI makes mistakes, AI is getting better exponentially year after year. After 5 years, AI translations will be way better than human translations. Although guidelines and oversight need to be thoughtfully developed regarding AI, the rapid development of AI also needs to be taken into consideration.

Commissioner Ives-Rublee believed that this recommendation is important because technology has developed so quickly that the government has not been able to keep up with the standardization around accessibility concerns. With AI development, humans make it and it is often developed without minority communities in mind. Commissioner Ives-Rublee said AI is good for day-to-day activities, but when we get into highly sensitive areas, which can be life or death, there needs to be human oversight on it and multiple eyes on it to make sure humans are not ceding important decisions on things we do not understand. The oversight structure needs to be put in now, so in the future we are not struggling to keep up.

Commissioner Kim stated this recommendation needs to be a living recommendation, where we have to keep updating it. We don't know when AI will be better or more reliable than humans, but this recommendation is essentially a referendum on AI. Commissioner Kim stated he agreed with Commissioner Ives-Rublee about not ceding important decisions on AI, but that when the time comes, we do need to keep on updating it.

Commissioner Chang stated that the subcommittee is aligned with the Administration's May 4, 2023, release of "The Renewed Actions to Promote Responsible Artificial Intelligence Innovation that Protects American Rights and Safety" that includes the Blueprint for AI Bill of Rights. This is going forward, and we want language access and machine translations to be included in some of these initiatives that have been supported and announced by the Biden-Harris Administration.

Commissioner Ka'uhane stated AI will become a useful tool and the Commission will need to be careful to prohibit progress. However, Commissioner Ka'uhane is glad the Commission is going along with the Biden-Harris Administration's initiative in accordance with Commissioner Chang's comment.

Commissioner Shah states that what she liked about this is that a lot of times, the things we need to talk about are things that need to be cleaned up for the AA and NHPI community such as Native Hawaiian language. With this recommendation, the Commission is making sure that we are involved from the very beginning, and that this puts us on the same level with everyone. This is a key thing in the recommendation that will make us do well in the future.

Commissioner Yang stated that we have already have a difficult time understanding cultural nuances. So, when we are using AI technology, we are losing that cultural nuance. In tonal languages, it is even hard for AIs to understand. Having a human there is more comforting to her than a machine. She has a gut feeling that society is missing when we use AI to interact with people in their most vulnerable moments.

Commissioner Ives-Rublee acknowledged that when technology is not made by minority or diverse communities, then it can be harmful. Even when technology becomes very accurate, she is still concerned that it will have fallacies at times if it is run by the mainstream community rather than marginalized communities. As a Commission, it is vital that marginalized communities are heard when developing this technology.

Commissioner Kim stated that the answers that AI gives us is the information AI receives through us. Therefore, if there is existing gender or racial biases on the internet, that is the information they are projecting back to us. In a study, there were two identically qualified candidates for a job, with the only difference being their gender. They then presented a question to ChatGPT on what jobs would be suitable for each candidate. In response, ChatGPT came up with drastically different ideal jobs for either candidate solely based on the change in gender. Therefore, the Commission here needs to create the change to correct these biases. This is by no means full proof, but AI can be used as an effective tool in the future. The question is, “Will it be allowed?” as well as, “Will it be a recommended tool?” This is a dynamic situation that will change over time.

Commissioner Kalsi agreed with Commissioner Kim in that AI is a reflection of what we put out. However, a lot of the recommendations we are putting out must deal with backlog problems such as with visas and translation. AI potentially holds an easy solution to backlogs for the AA and NHPI community. We would be amiss to prevent tools that would solve a lot of this backlog. This recommendation is good because it starts to establish guardrails to hopefully allow us to get ahead of this issue.

Chief Commissioner Shah stated that she was not sure the recommendation is saying what the commissioners think it is saying. Nowhere in the recommendation does it say that AI needs to be checked or verified. It currently reads as whether we should or should not use it AI, not how we should use AI. Chief Commissioner Shah argued that AI will be used regardless, and the conversation that needs to be had about how it should be used, not whether it will be. What we are asking is that those who will be most harmed by AI will be included in the conversation so that AI is verified and checked. However, that is not reflected in the language of the recommendation or the conversation we are having.

Commissioner Huynh responded that she was thinking of adding language that would include the integration of communities into AI oversight. There will be some sort of task force in charge of this, and it is important we get AA and NHPI representation on this to catch the cultural pieces that would not otherwise be recognized.

Commissioner Poo agreed that biases exist in the current data, and that a possible course of action would be making the recommendation more explicit in saying the standards that account for biases that may be in existing data in addition to having representation of impacted and marginalized communities as part of the process. There was a piece that was explicitly said about the biases in existing data sets, and we should include something about the data set in the recommendation.

Commissioner Shah stated we should ensure this data is being reviewed and that the biases are checked. She was unsure whether we add this component to the recommendation, make it a part of a new recommendation, or establish a task force. She also agrees with Chief Commissioner Shah’s point that whether it is appropriate to be used does not matter, since it will be used.

Commissioner Bhutoria strongly supported the recommendation. He suggested removing the phrase “when it is appropriate or inappropriate.”

Chief Commissioner Shah agreed and stated that there are other edits to be made as well. We can add language to it, but no one is saying to take it completely off the table.

Commissioner Chang asked if the Commission can add to the recommendation that there are should be some AA and NHPI representatives on these new task forces that the Biden-Harris Administration is beginning in their initiative to oversee AI.

Chief Commissioner Shah affirmed this is a good idea, but it would be better for a future recommendation.

Commissioner Doi said that AI is an evolving technology. So, we can see this recommendation as an interpretation of the Constitution and its legislative intent is establish guard rails, which will evolve. This is a good first step to look at the intent of this recommendation, and to intend to have AA and NHPI communities involved in its evolution.

Commissioner Ives-Rublee said the Commission should not use the word inappropriate, because a lot of times we have the tendency to go towards the easier path, but maybe it is not correct. She said that we need to look at where AI is right now, and whether it is useful as it is currently developed. She agreed this is a living document, but at this time, she also wants to reduce as much harm as possible and put a stop to issues until we can prove this will not be an issue, especially in life-or-death situations.

Commissioner Batayola stated that unfortunately, task forces can take a long time to form and take action. Commissioner Batayola referenced how Commissioner Chang was talking about Biden’s Agenda for AI. She argued it is important that the AA and NHPI community get into those conversations now or else it is too late. There should be another recommendation that includes AA and NHPI representation in Biden’s efforts, and the language should be worked out today during the break.

Commissioner Kim echoed what Commissioner Batayola said, but asked the question of what period of time defines “right now?” When we know that technology is developing at an unprecedented rate, and higher powers will not see [this recommendation] until six, maybe eight months down the line, we will be behind before we know it. This is what makes it such a difficult issue.

Chief Commissioner Shah suggested bringing in the Chief Technology Officer for the next commission meeting and asking how they are bringing in AA and NHPI communities into their process can get them to start thinking about who is being included and who is not. While it may not come as a recommendation from us, when we ask people to come in and talk to us, it also has a ripple effect as well. You may want to think about the direct and indirect influences this Commission has by bringing in people to speak, especially this upcoming round in regard to AI.

Commissioner Kalsi stated that under number one of the recommendation, instead of just “standards and guidelines” to add these terms, “guardrails” and “human oversight,” around the

use of AI translation technology. In addition, many of the conversations we have had talk about how we will make sure that AA and NHPI communities don't get left behind, or that the impact of AI will not harm our community. Therefore, on the third bullet point, there needs to be something about developing a process to help mitigate concerns for marginalize communities like the AA and NHPI community.

Commissioner Huynh thanked everyone for their comments and directed a question to Krystal Ka`ai. Commissioner Huynh stated that she understands the transition of recommendations to the President takes time. However, she would like to know what the jurisdiction of WHIAANHPI is to expedite the representation of the AA and NHPI community on a task force or a coalition that is coming out of the administration, even before the recommendation comes to the President's desk.

Executive Director Krystal Ka`ai responded that WHIAANHPI does have the authority to go to the White House and other federal agencies through the initiative's interagency working group to ask what the current makeup is and how we can include the AA and NHPI community in the administration's efforts.

Commissioner Huynh presented the subcommittee's **sixth recommendation**, explaining that despite the increasing requirements for equitable language access as a result of Executive Order 13166 and subsequent Executive Orders, the limited English proficient AA and NHPI community still faces significant systemic barriers that prevent meaningful access to critical government services. Inconsistent community engagement across federal agencies regarding language access may contribute to language access gaps, inequitable policies, and missed opportunities for collaboration and innovation. The Commission recommends that WHIAANHPI, the White House Office of Public Engagement (OPE), and the Department of Justice (DOJ) convene a biennial national "Language Access, Equity, and Justice" Summit in regions with growing language access needs. The Commission makes the following recommendations for the Summit:

- Host the event in a hybrid model to accommodate virtual and in-person guests from across the nation.
- Provide a progress report on current language access plans and the current state of language access enforcement and implementation of existing language access civil rights laws across all the federal Office of Civil Rights (OCR) by designated Language Access Coordinators or personnel.
- Create an intentional space to solicit feedback on the updated federal agency language access plans.
- Empower and accommodate limited English persons by providing simultaneous interpretation, translated materials in multiple AA & NHPI languages, and be inclusive of languages of lesser diffusion.
- Center and incorporate the voices and stories of community stakeholders who have been directly impacted by language access issues.

- Incorporate national and local key AA & NHPI stakeholders and subject matter experts in the program planning process.
- Upon successful execution of the Summit, the lead federal agency should provide a public summary of the program, federal recommendations, community feedback, and lessons learned to be shared with participants, related interagency workgroups, and federal agencies.

Questions and Discussion

Commissioner Chang supported this recommendation and noted that many will be interested in being involved in this process if the recommendation is passed.

Commissioner Agbayani stated that this recommendation tried to be more global and general and is great in reflecting how we should think of language access as a wide-community issue.

Commissioner Huynh stated that the Commission has not yet had a summit on language access, and that this is an important recommendation to push forward.

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

Co-Chairs: Commissioners Luisa Blue and Dr. Kama; Kalsi

Members: Commissioners Emily Chen, Grace Huang, Daniel Dae Kim, Naheed Qureshi, and Smita Shah

Ex-Officio Member: Madihha Ahussain

DFO: Linda Cheng

Commissioner Huang presented the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee's nine priority issue areas, which are (1) supporting leadership opportunities for AA and NHPI individuals in government, business, non-profit, and media (2) education about AA and NHPI communities (3) standardizing hate crimes and hate incident definitions (4) increasing resources for victims (5) preventing gun violence targeting AA and NHPI communities (6) increasing federal transparency on data regarding domestic terrorism and white supremacist organizations (7) alternative means of reporting hate crimes or hate incidents (8) improving federal data collection of hate crimes and hate incidents (9) prevention of anti-Asian hate in all spheres of life, including media, business, education, government and online forum

Commissioner Huang also acknowledged the presenters which spoke to the subcommittee and offered knowledge to inform the subcommittee decisions:

- **Maulik Pancholy, Chair and Co-Founder, ACT to Change, and Belinda Lei, Founding Board Member, ACT to Change:** Presented on the mission and origins of ACT to Change, a youth-focused anti-bullying organization, and summarized current efforts to combat bullying against AA and NHPI youth
- **Lynn Rosenthal, Director of Sexual Assault and Violence Prevention, U.S. Department of Health and Human Services; former White House Advisor on**

Violence Against Women under the Obama-Biden Administration: Presented on the coordination and roll out of the “It’s On Us” campaign against campus sexual assault

- **Thenmozhi Soundararajan, Executive Director, Equality Labs:** Presented on caste discrimination in the United States and efforts to combat this form of intra-ethnic discrimination
- **Anna Mok, President, Executive Chairperson & Co-Founder, Ascend & Ascend Foundation:** Presented on ASCEND’s efforts to promote AA and NHPI leadership at high levels in corporate and nonprofit organizations

Commissioner Kim then presented the subcommittee’s **first and only recommendation**, explaining that the start of the COVID-19 pandemic marked an alarming rise in hate crimes and violence against the AA and NHPI community. Since March 2020, there have been more than 11,000 acts of hate committed against Asian Americans Native Hawaiian, Pacific Islanders (AA and NHPI) reported to Stop AAPI Hate. While there has been some public attention focused on this increase of bias incidents targeting AA and NHPI, there has been a lack of ongoing focus by high-level federal leaders and influencers. This cycle of violence shows no signs of abating anytime soon. The commission recommends combating this problem and increasing public awareness about the growing issue of violent hate crimes against AA and NHPI, as well as discrimination against other minority groups, by having the federal government create a multi-prong campaign to support its policy efforts. These efforts will include designating interns/fellows from federal agencies to develop a first of its kind anti-racism arts competition and corresponding public ad campaign. The campaign has the following elements:

1. Establish an interagency policy working group. This interagency working group should include the Secretary of Homeland Security, the Attorney General, and the Secretary of Health and Human Services to develop a plan and coordinate the Administration’s strategies to prevent, combat, and support victims of race-based bias and violence. This group will be coordinated by an advisor in the White House. Other members should include the Secretaries of the SBA, NEA, NEH, DOE, etc., and they should convene subject matter experts and peers in the private sector, along with nonprofit social justice leaders.
2. The interagency working group will spearhead committees to advance its policy initiatives by doing the following:
 - a. Support opportunities for young people by creating internships/fellowships within the interagency working group with the specific goals of creating belonging and helping combat anti-Asian hate, discrimination, and violence by working together on the following activities in (b)-(d).
 - b. Chaired by the NEA, the committee will develop a national arts competition with the goal of awarding scholarships for artwork showcasing the theme in various forms and media (i.e., poetry, music, painting, theatre, photography, film, etc.). The endowment will support robust participation and engagement as well as dedicate resources to support the national arts competition, culminating in a special awards ceremony, featuring influential hosts and presenters.

- c. Administered by NEA and NEH, create an accompanying national ad campaign to celebrate winners of the competition, display their work, while using the campaign as a platform to speak out against hate, violence, discrimination, and create belonging.
- d. Explore public-private partnerships to support development of the national arts competition and corresponding ad campaign.
- e. Make recommendations to OMB about resources needed to implement agency strategies to prevent and combat race-based bias and violence, and support victims, support internships, staff the interagency working group for program administration, as well as fund the ad campaign and arts competition.

Commissioner Kim gave a special thanks to Commissioner Doi who originally introduced this recommendation. In addition, he also addressed how the recommendation was constructed to address these three questions: 1) How do we highlight our community's challenges and how we can also be celebrated? 2) How can we underscore the value of arts in American culture alongside the AA and NHPI community while creating opportunities and jobs for younger people? 3) Who pays for it?

Questions and Discussion

Commissioner Kalsi thanked Commissioner Doi for introducing this recommendation to the Commission. Commissioner Kalsi echoed Commissioner Kim's sentiments to create a pipeline for youth to engage in government and platforms. He stated that the Commission wanted to have a public campaign pushed against hate and intolerance. He is very proud of the work the subcommittee has put into creating this.

Commissioner Huang flagged how there are both many creative components to this recommendation as well policy aspects with the Interagency Working Group. As someone who works on violence prevention, Commissioner Huang said there is an important need to coordinate efforts across different agencies as it relates to Asian Hate and hate crime issues, yet there is not a lot of current cross agency communication with finding solutions to these problems. Although there is a large component of this recommendation that focuses on the arts, this recommendation also speaks to the federal government, and encourages them to collaborate to integrate responses and the prevention of hate.

Commissioner Underwood expressed his support for the proposal because it accomplishes multiple things with cultural and artistic expression which is usually not done. He believes many of the commissioners see this recommendation as being instructive to the general community about individual contribution and cultural themes, but he also looks at it a different way. To Commissioner Underwood, it is also instructive to the individual communities themselves. He is always amazed that when you ask young people to do cultural and artistic expressions about who they are, their work is always different to who he thinks he is. This demonstrates the vibrancy that sometimes people who are seen as maintainer of the culture don't see. This is important because young people are experiencing something entirely different in this present-day society,

such as their own historical culture. Commissioner Underwood expressed his appreciation for this recommendation because it is instructive in a multiplicity of ways

Commissioner Doi thanked the subcommittee for organizing his thoughts in a constructive and comprehensible way. He spotlighted the recent American Idol winner Ian Tongi, who hails from the north shore. The culture now has a name and face most of the American public did not know and had no understanding of. When he saw Tongi win, he held an incredible sense of pride. It is important to acknowledge this is the kind of thing that gets to the hearts and minds of our people throughout the country. This situation was the embodiment and spirit of which he tried to draft this recommendation. Commissioner Doi thanked the subcommittee again for allowing him to do that.

Chief Commissioner Shah stated that many times, commissioners talk about policy as the solution and sometimes forget that including people and communities as part of the solution can help us define and understand belonging and how anti-Asian hate affects our people directly. This is a nice recommendation that brings policy and community engagement together and addresses how both the intellect as well as hearts and minds are important. Chief Commissioner Shah thanks the Commission for the comprehensive and helpful recommendation.

Commissioner Kim responded to Commissioner Underwood, saying it was important to the subcommittee to use the arts for the very reason he was elaborating. Commissioner Kim stated the subcommittee was hesitant to state anyone as the “winner,” because the recommendation was not supposed to be a meritocracy per se, but a way to highlight people from all parts of our diaspora. To Commissioner Kim, with this recommendation we get to choose the way we are reflected back by our community and deliberately chose the arts because of that. Through the arts, we can be representative of all our communities throughout all different generations.

Commissioner Chang reflected that this recommendation seems much like the AA and NHPI White House forum that WHIAANHPI put together on May 3rd in celebration of the arts across different communities. There is a small, mini model already in place that the NEA could adopt from if this recommendation were to be implemented.

Chief Commissioner Shah asked if there were any more comments or questions, and there were none.

Data Disaggregation Subcommittee

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: Janet Cushing

Commissioner Yang introduced the members of the subcommittee and priorities of the subcommittee, which include ensuring equitable data inclusion through data collection, analyzing, and reporting; facilitating improved access for community advocates to use federal

agency data to more effectively inform policy changes; fostering impactful three-way dialogue between communities, academic researchers, and federal agencies for more consistent reporting; pursuing joint recommendations with other subcommittees including Health Equity, Language Access, and Belonging, Inclusion, Anti-Asian Hate and Anti-Discrimination; calling for the investigation of more accurate methods and strategies to capture ethno-cultural, language, and multi-racial identity characteristics for AA and NHPI communities; and highlighting best practices from priority federal agencies for data disaggregation.

Commissioner Yang shared that the subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Rachel Marks, Chief, Racial Statistics Branch, Population Division, U.S. Census Bureau; Ditas Katague, Associate Director for Communications, U.S. Census Bureau; John Stelmachowicz, Partner Relationship Manager, Office of Strategic Alliances, U.S. Census Bureau; Megan Maury, Senior Advisor, Office of the Director, U.S. Census Bureau; Melissa Bruce, Acting Special Inspector General, U.S. Department of Treasury; Lopaka Baptiste, Intergovernmental Affairs Specialist, U.S. Census Bureau; Mayumi Escalante, Supervisory Survey Statistician for Commodity Analysis Branch, Foreign Trade Division, U.S. Census Bureau:** Presented on the classification of Hmong in the 2020 Census and American Community Survey.
- **Kham Moua, National Deputy Director, Southeast Asia Resource Action Center (SEARAC), Anna Byon, Director of National Policy, SEARAC:** Presented an overview of the geopolitical definition of Southeast Asian individuals and the implications of such population classification.
- **Alan Simon, Director, Division of Health and Nutrition Examination Surveys, National Center for Health Statistics, Centers for Disease Control and Prevention. Department of Health and Human Services:** Presented an overview of the National Health and Nutrition Examination Surveys program to include how data is collected and the plans for the survey, including the feasibility and challenges of oversampling AA and NHPI and exploring conducting the survey in AA and NHPI concentrated regions, like Hawaii.
- **Denice Ross, Deputy U.S. Chief Technology Officer and U.S. Chief Data Scientist, Office of Science and Technology Policy:** Presented an overview of the progress of the Equitable Data Working Group and its priorities.

Commissioner Yang presented the **first recommendation**, that the Census Bureau include feedback and input from relevant and diverse community-based organizations (CBOs) when classifying various populations.

- The Census Bureau should engage directly with CBOs and jointly determine classifications that are culturally and linguistically appropriate.
- The Equitable Data Working Group (EDWG) should ensure there is funding from the U.S. Census directed to CBOs in order for them to engage.

- The Office of Strategic Alliances within the Census Bureau should increase resources (including staff representative of the AA and NHPI populations) to work with a larger network of community organizations.

Commissioner Yang shared how the community expresses a lack of robust and authentic community engagement, especially from smaller diverse groups within the AA and NHPI community. The 2020 Census Redistricting Data Summary File showed the misclassification of Hmong community under the East Asian category. They were formally under the Southeast Asian category. US Census Bureau said that they based this new misclassification on the definition of Original Peoples. The Hmong community was unaware of this new classification until the Census release. During March 20th meeting, the speakers acknowledged that the Hmong population is not the only example where the definition of Original Peoples is imperfect. Another example is the South African population. The majority of South Africans that live in US are White but on the Census they are classified as Black. Furthermore, NHPI groups are identified based on their geographic origin which includes Melanesia, Micronesia, Polynesia.

Commissioner Yang explained how these terms masks the ethnic groups, relationships and aspirations that inhabit those areas. The Hmong community has historically indicated that they are from the country of Laos. Since 1975, the vast majority of Hmong Americans came from Laos as refugees after the Vietnam war; they were among the other ethnic groups recruited by the U.S. Central Intelligence Agency to serve as soldiers in the secret war. While the 2020 Census allowed people to self-identify, the examples given illustrated the lack of deep community engagement, which can lead to conflicts of community self-identification. In a letter in March 2023 penned by SEARAC and 57 organizations, it stated that “lumping the relatively small Hmong American community of approximately 323,000 in 2020 with much larger Asian American communities numbering in the millions that originate from East Asia that have different histories and outcomes in U.S. will obscure the disparities and unique challenges experienced by Hmong American and other Southeast Asian Communities. Without accurately identifying the Hmong American community, critical government program, critical government programs that are reliant on these data sets will fail to identify these disparities and inequities tis population experiences and meet its needs.”

Commissioner Yang further explained that the reason that the subcommittee is prioritizing the EDWG (Equitable Data Working Group) is because they are currently more influential and involve interagency strategies. She noted that there needs to be assurance of the durability of the recommendation beyond the EDWG’s tenure, especially from the US Census Bureau.

Commissioner Yang provided the second rationale that this is in alignment with EDWG and its tenet of working on increasing non-federal research and community access to disaggregated data for evidence building that supports equity efforts and increased transparency about progress in serving underserved population. Commissioner Yang noted that one of the EDWG tenants is funding institutional capacity to expand engagement with historically underrepresented and underserved groups and develop actional goal to advance equity. The subcommittee would lastly like the Strategic Alliance Group to formalize a process of recognizing CBOs for transparency

and optimizing resources. Commissioner Yang pointed out that this could invite and fortify community engagement.

Questions and Discussions

Chief Commissioner Shah opened the floor up to questions and comments. She explained how the Equitable Data Working Group cannot specifically ensure there is funding but can prioritize this for OMB.

Commissioner Samoa mentioned that they named EDWG to ensure that there is funding to be able to prioritize community engagement.

Commissioner Huynh thanked the subcommittee for this recommendation and noted Census Bureau's engagement with community-based engagement. She went on to ask if the subcommittee would like to specifically state AA and NHPI CBOs, pointing out the value in specificity in the recommendation.

Commissioner Underwood added to the point about Commissioner Yang's earlier points about Polynesian, Micronesian, Melanesian languages and how they are seen as colonial constructs. The overlay between the geographic distinction and the actual ethnic cultural group is not very perfect. Commissioner Underwood pointed out how that obfuscates and masks the reality. In a way, geography gets in a way. This is an issue in front of scholarship groups in how to classify people and thus, Commissioner Underwood emphasized that this is a very important issue.

Commissioner Samoa introduced the **second recommendation** that HHS should establish a task force, which includes NHPI CBOs, to address privacy and legal concerns and expand the capacity of data collection methods to facilitate collection and disaggregation of NHPI data.

Commissioner Underwood gave context and highlighted the issue in the way people are counted. A presentation was made at the last commission meeting in which of the four main data sets, the small territories were not included in three of them and the consequences of that. Commissioner Underwood shared his letter to the Census Bureau about the same topic from 27 years ago, pointing out the common excuse in lack of funding. Commissioner Underwood pointed out the dance between asking for that funding from Congress and making it a priority or else there will be no funding. He expressed how this has a deleterious effect on understanding the dynamics of this community and points out how it is important to understand that the Pacific Islander community is constantly on the move.

Questions and Discussions

Commissioner Pang expressed his full supports this recommendation and even more so, the language access. Commissioner Pang explained how without the language access, any recommendation put out will not be useful. Without the accuracy of the data, resources will not be able to be properly allocated. Commissioner Pang emphasized his support and thanked the subcommittee.

Commissioner Huang expressed appreciation for this recommendation and acknowledged that the commission has worked on an earlier recommendation from the language access committee in collection of data field about victimization as it relates to domestic and sexual violence. From the most frequently cited and biggest research out of the federal government about prevalence of this topic that the number especially in AA and NHPI that are counted in phone surveys are not big enough for them to be able to make any conclusions, which has long term implications to resources and fundings who are limited in English proficiency. Commissioner Huang applauded this recommendation and how it translates across agency in collecting data in communities.

Commissioner Samoa alluded to the example of AI of “garbage in and garbage out” concept. He pointed out how we are still collecting data to this day and if there is nothing being put in for data, then AI itself will not be very helpful.

Commissioner Samoa and Dr. Kaholokula agreed that a task force is a good idea because they are already in action during COVID-19 and borne out of a community push. Other ideas included encouraging NIH to publish RFAs for these data collection, doing specific designation and to do better analysis techniques for smaller and invisible populations such as AA and NHPIs. Dr. Kaholokula added how it is also an issue of the lack of attention towards these communities. He encouraged the push for researchers and others to make a stronger effort at including the AA and NHPI population and recruiters to reach the community. Dr. Kaholokula expressed his gratitude in being part of the committee and being able to participate in the meeting still as a non-commissioner.

Chief Commissioner Shah expressed appreciation for Dr. Kaholokula’s presence and applauded the recommendations made by the data disaggregation subcommittee. She reemphasized the importance of having data and the analogy of not being able to get anything out if nothing is being put in.

Economic Equity Subcommittee

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: Janet Cushing

Commissioner Shah introduced the subcommittee members and shares the subcommittee’s priority areas, which fall under four broader themes: (1) Opportunities for small businesses: increasing opportunities for small business, including exports and opportunities for small and community banks to participate in federal programs; (2) Access to job training and workforce development: worker access to childcare, paid leave, and long-term care across all industries, living wages, access to benefits, training opportunities, jobs of the future and workforce development; (3) Opportunities for AA and NHPI workers: addressing income inequality and wage gap for AA and NHPI women and access and awareness around grants, contracts, and loans; and (4) Compliance and regulations: ensuring regulations for AA and NHPI investments

into crypto markets, reviewing compliance and regulations related to workforce development and apprenticeship programs, and ensuring that regulations regarding small businesses, job opportunities, and workforce development, are inclusive of AA and NHPI issues.

Commissioner Shah shared that the subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Lisa Fu, Executive Director, California Healthy Nail Salon Collaborative; Duanduan Chen, Secretary, Chinese-American Nail Salon Association:** Presented an overview on the health and safety concerns for nail salon workers, discussed the economic concerns and health and safety issues, especially as it relates to AA and NHPI populations and workers in the industry.
- **Geraldine S. Aglipay, Regional Administrator, Great Lakes Region, U.S. Small Business Administration:** Discussed and shared ways to strengthen collaborative innovation across sectors and industries to create financial security, with a lens on AA and NHPI communities.
- **Trudy Rebert, Policy Advisor, Office of the Assistant Secretary for Policy, Department of Labor:** Presented an overview of what the U.S. Department of Labor is doing to ensure rights and protections for immigrant workers.

Commissioner Blue presented the **first recommendation** stating that by May 2024, the Department of Labor (DOL), HHS, and Small Business Administration (SBA) should convene a national listening session with nail salon workers and nail salon owners to discuss and address the economic concerns, health and safety issues, and labor rights, culminating with the issuance of a study on the state of the industry and a national action plan to support workers and owners.

Commissioner Blue explained how the nail salon industry is a growing industry in United States. It is dominated by small family-owned operations with 9 out of 10 salons having fewer than 10 employees. Nationally, the workforce is 76% Asian, 81% female, 79% foreign born with 74% born in Vietnam. The top 5 states with the highest number of nail salons are California, Florida, New York, Texas, and Georgia. 40,000 nail salons nationwide and close to 400,000 employees either as manicurist or cosmetologist, so it is a growing industry, and we don't have enough information about that. Thus, the subcommittee is recommending a listening session. Another point of data is that 39% identified as independent contractors. During COVID-19, it caused significant economic harms to nail salon workers. Workers returned to a sector with reduced employment and business. Nail salon workers health and safety required new protocols once they returned to work. Nail salon workers income were impacted despite their ability to return to work. Most workers, more than 95% in the study, did not receive hazard pay in the pandemic. Earnings stayed the same or decreased during reopening. The majority of workers found themselves financially insecure or uncertain about the ability to pay for food. There are also issues that is faced by workers and owners in terms of how to access resources during the pandemic. Along with that comes with the data and if the government understands how this industry continue to work and 100,000s of workers it impacts. The data shows that the majority are immigrants from other AA & NHPI workers and countries thus goes back to language access.

Health and safety are important because of the chemicals that workers and clients are exposed to needs to be addressed. For these reasons, the subcommittee hopes that the listening session will help address these issues at the government level.

Questions and Discussion

Commissioner Ives-Ruble asked if this should be two sessions because there could be a difference of what the workers may want and what the owners may want. She expressed the concern of possible disparities between who is willing to speak fully about their experience when employers are in the room.

Commissioner Blue acknowledged the point brought up and brought up the observation of differences in Oakland, California where workers and owners work together, especially during COVID. Whereas in New York, it was different. There was no collaborative, and the workers in New York City had complaints. There was tension between owners and workforce.

Commissioner Blue agreed that there is a chilling effect when the workers and bosses are in the same room and the hesitancy for people to speak publicly, which is important to highlight to federal agencies. She added how it is important to highlight to federal agencies and the public how things are placed. Commissioner Blue expressed how there could be either one versus two summits depending on the region's relationship between workers and owners.

Commissioner Yang thanked the subcommittee for the recommendation, noting the disparities during the pandemic for language access in the nail salon industry. Commissioner Yang shared the same concern with Commissioner Ives-Ruble and asked where community organization comes in play. There is already a language access issue in the community and going to government officials who may be concerned about immigration status may not make the listening session a safe space for people to come forward about their situation. Commissioner Yang pointed out how it is seen that this is not a community that will come forward easily but, they are servicing us constantly. She also asked, how do we make sure that any public events like this will be protective of their identity and their safety going forward.

Commissioner Huynh expressed gratitude to the subcommittee for this recommendation, noting her observation of many Vietnamese nail salon businesses struggling during the pandemic. She agreed with Commissioner Ives-Ruble concerns and noted that owners and workers have different needs. Commissioner Huynh noted the regional differences where some areas may be more established and other areas that may not have infrastructure to tackle issues collectively. She suggested holding regional sessions and noted the importance of considering the timing, days, and having the sessions be multi-lingual sessions.

Commissioner Blue asked the Commission if it makes sense to target the top 5 locations that the data points to where most of the workers are. She added that the turnout will depend on the community-based organizations and unions that help to file complaints. She acknowledged that Commissioner Huynh is familiar with Georgia and asked if anyone else is familiar in other areas that can be reached. Commissioner Chang shared that in Texas, some of the health centers are involved with the nail salon workers. She expressed that going through the community health centers might will be helpful.

Chief Commissioner Shah mentioned the modification to regional listening sessions with community-based organizations

Commissioner Yang offered that Minnesota has several associations. She noted that there is tendency to go to where the population is and asked for consideration in recommendation for places that have no resources as well because that is also where the biggest needs are. Chief Commissioner Shah agrees and restate the importance of the sessions being regional.

Commissioner Ka`uhane presented the **second recommendation**, stating the Commission recommends directing the Department of Interior to start beneficiary consultation on mercantile licensing and promulgated federal rules that provide clarity for beneficiaries to access lands for mercantile purposes. Without specific federal regulations in place to guide the DHHL and sufficient oversight by the DOI, the purposes and intent of the HHCA land trust have been lost. Beneficiary consultation and federal rules regarding the issuance of mercantile licenses would help make the Hawaiian Homes Commission Act work for its intended beneficiaries. A budget for beneficiary consultation on mercantile licensing within the Office of Native Hawaiian Relations at the Department of Interior should be included in the budget.

Commissioner Ka`uhane went on to explain how today marks almost exactly 102 years since the passage by Congress of the Hawaiian Homes Commission Act (HHCA) which happened on July 9th, 1921. The law was enacted in 1921, setting aside 200,000 acres of land for the rehabilitation and settlement of Native Hawaiians. The Hawaiian Homes Commission Act is in fact the set aside that allowed for statehood to happen. In 1959, when Hawaii became a State, the State Department of Hawaiian Home Lands who have responsibility to administrating this Act, along with the federal government and the Department of Interior had federal oversight of the State Department of Hawaiian Home Lands. Prince Kūhiō was a delegate in Congress representing Hawaii but not a voting member. His legacy is the Hawaiian Homes Commission Act. Congress enacted HHCA in 1921, and in 1922, Prince Kūhiō passes. It took 100 years before the first rule was promulgated that instructed how to implement this act. Imagine any federal law that is passed without rules for how to implement the act. As a result, the state of Hawaii embedded the Hawaiian Homes Commission Act into the Hawaii state constitution. There is a set of administrative rules by the state of Hawaii that often conflicts with the purposes of which the act is intended. For example, there are state procurement laws that require Native Hawaiians to bid with the public for the lands that were set aside for Native Hawaiians, the purpose of who the act was intended. As a result, there has been less than five mercantile licenses issued in those 102 years. According to the 2022 fiscal report, we don't have a single license yet in the hands of a Native Hawaiian beneficiary. Section 207 is the primary purpose of the HHCA that says land shall be distributed for ranches, farms, residences, mercantile licenses, and small businesses. The subcommittee brings this to your attention and the recommendation is for the DOI to have proper oversight so that there is a clear process for Native Hawaiian beneficiaries to apply for those licenses and to have a clear outreach so that mercantile licenses are in the hands of small businesses and Native Hawaiian beneficiaries.

Questions and Discussion

Commissioner Kim posed the question, does the beneficiary of the act need to be a Native Hawaiian resident. Commissioner Ka`uhane responded that the purpose of the act is for Native Hawaiians and the person must be 50% of blood quantum and the successor of 25% blood quantum. Commissioner Kim followed up by asking who is benefiting from this right now. Commissioner Ka`uhane answered that it is mostly non-Hawaiians under the business purposes of the act. The primary purposes in section 207 of the act are for residence, farming, ranching, and mercantile. There have been over 9,000 leases distributed to eligible beneficiary as defined by the act in 102 years. For these business purposes, there are homestead associations who are owned and controlled by beneficiaries who live on the lands. There are individuals on the waitlist who can benefit from those lands for their business purposes. But right now, the process of state procurement requires them to bid with the public. There needs to be some oversight from the DOI on how the process is ran and share to beneficiaries that these lands are available for mercantile purposes.

Commissioner Kim asked if there is a check box or verification right now that those applying should be at least in part Native Hawaiian. Commissioner Ka`uhane responded how this is the challenge because while the act is for the rehabilitation of Native Hawaiians, the general purpose says that if there are lands not used for the primary purposes of the act, then it can be bid to the public under section 204. Section 204 is being utilized with the waitlist over 28,000 Native Hawaiians who are waiting for housing and not a single mercantile license for the business purpose of Native Hawaiians. Commissioner Ka`uhane argued that section 204 need not be in effect until the primary purpose of the act be addressed under 207

Commissioner Blue expressed gratitude for the recommendation. She posed the question if those who have money are getting the land. Commissioner Ka`uhane responded that there are different businesses: mall, garages, nonprofits, and all kinds of organizations on Hawaiian homelands. She emphasized the point that it should be a requirement to be partnered with a Native Hawaiian beneficiary. Those beneficiaries should bring access to the land to help build their own capacity and to enact the federal law for the purpose of which it was intended.

Commissioner Batayola expressed how she is appalled by the current state. She asked if there is an opportunity with Secretary of Interior who is very aware of Native Hawaiian issues and interior policies. She commented on how this issue has been here for way too long and asked the possibilities with the Commission co-chairs to interact with the interior secretary to make aware of the issue and have an education session of this issue. Commissioner Ka`uhane expressed gratitude for the point and shared the primary differences between Native Hawaiians as an indigenous population alongside Alaskan Natives and Native American tribes, are that they are not federally recognized. The HHCA was the first piece of legislation that enacted that created the trust responsibility as a political body between the federal government and Hawaiians as an indigenous population. While they are not the same, there are a lot of opportunities to learn from their brothers and sisters in Indian countries and Alaska. There's a lot of learning and Commissioner Ka`uhane expressed appreciation for the opportunity to share and shed light on the differences between the Native Hawaiian population in Hawaii. The Secretary of DOI is working with the office of Native Hawaiians closely.

Commissioner Kim asked if DHHL is a Hawaii state organization, and whether this has been brought up with the state. He wondered about the justification of this outcome, expressing the egregiousness of the situation. Commissioner Ka`uhane expressed that the state is aware. However, because the DHHL suffers from the shifting between administration and different interpretation of the rules, this issue persists. She expressed that the state of Hawaii also has a responsibility to the Native Hawaiian community as an indigenous people. 200,000 acres are set aside for the rehabilitation for the indigenous people.

Commissioner Shah relayed her respect for Commissioner Ka`uhane in being tactful in looking for a solution, not focusing on how this happened. She commented on having the DOI involved in the process and there be a process and rule about the support of outreach. She suggested an additional recommendation to require any land, there needs to be a Native Hawaiian partner defined by 50%. Commissioner Shah points out the importance of having the DOI oversee the licenses that are reported but also acknowledges the balance of this so that the process does not stop. Commissioner Ka`uhane acknowledged having DOI because the Office of Native Hawaiian Relations is a single body, can get cumbersome. Thus, it might not be because they are not doing it. There needs to be education, proper channel of access, and promotion to allow eligible beneficiaries to understand the lands available and the process to apply. Commissioner pointed out how consultation and feedback from beneficiaries, the proper guidelines can be created to improve this program. There is a need of a discussion in how to adjust this process.

Commissioner Ives-Ruble asked if some of the issue is because it is not well publicized or bad management of the program. Commissioner Ka`uhane responded that it is because it is not publicized. In addition to this, it is because of section 204. Whenever there is a disposition of land that is being offered that is of Hawaiian homelands, beneficiary or not, you must bid with the general public as per Hawaii State procurement law: a direct violation with the intention of the Act.

Commissioner Ives-Ruble wonders the development of the program and how they are being advertised and outreached. Commissioner Ives-Ruble commented how it is the same in the disability community where people might not apply to things because these resources are not provided or properly promoted. She suggested more outreach in building the pipeline in the community so that people are aware of this opportunity.

Chief Commissioner Shah clarified if there are currently 28,000 applications waiting. Commissioner Ka`uhane affirmed and points out that it is for residential.

Commissioner Chang expressed support and appreciation for the recommendation. She asked if 50% blood quantum for Native Hawaiian requirement is feasible or if the population is too dilute. Commissioner Ka`uhane shared that the 28,000 folks on the waitlist are all 50%. Then the law allows for successors and those who are 25% blood quantum. She is unsure about the quantum for the mercantile licenses but, points out advocacy is what has been driving the blood quantum requirement and is what is needed going forward. Any Native Hawaiian would be better than non-Hawaiian in receiving the license.

Chief Commissioner Shah expressed appreciation for the recommendation and education allowed from this. She notes adding Native Hawaiian as partner as part of the recommendation and holding off on DOI partnership as it will add complexity.

Commission Discussion and Vote on the Subcommittee’s Recommendations and Future Priorities

Chief Commissioner Shah presented the recommendations from the Immigration and Citizenship Status, Health Equity, Language Access, Belonging, Inclusion, Anti-Asian Hate, Data Disaggregation, Economic Equity, and the full Commission voted separately on each recommendation.

Immigration and Citizenship Status Subcommittee

Actions Taken:

The Commission voted unanimously to adopt the first recommendation, focused on streamlining and expediting the process for I-94 cards:

- The Commission recommends that DHS should streamline and expedite the process for accessing and/or replacing lost or distorted I-94 cards, making it more affordable and efficient, with a turnaround time of less than three weeks.
- The Commission also recommends that DHS should exempt or waive fees for COFA migrants who apply for replacement I-94s.

The Commission voted unanimously to adopt the second recommendation, focused on issuing guidance for immigration judges to not remove individuals who have not been provided language services to assist in immigration relief applications, as amended (*italics below*):

- The Commission recommends that the Executive Office of Immigration Review (EOIR) in DOJ should issue guidance for Immigration Judges to not order individuals removed who have not been provided language services to assist with completion of relevant applications for immigration relief. In addition, DHS Immigration and Customs Enforcement (ICE) should allocate at least 1% of its Enforcement and Removal budget toward the provision of professional and competent translation, interpretation, and other language services for individuals who are detained and have limited or no English proficiency to be able to participate and access to any and all programs and services in immigration detention. This includes but is not limited to language services for all communications between detained individuals and employees of the detention facility, ICE and other DHS components, in the law library, medical care, and translation of immigration forms. *Finally, the Commission recommends that DHS/ICE require any and all of their procurements for services involving interaction with immigrants, include a requirement for competent language translation services.*

The Commission voted unanimously to adopt the third recommendation, focused on issuing new asylum regulations and tracking performance metrics to provide consistency in U.S. immigration policy:

- The Commission recommends that the Department of Justice (DOJ) and Department of Homeland Security (DHS) should promptly issue new asylum regulations and track performance metrics to provide consistency in the U.S.'s treatment of gender-based violence as a basis for humanitarian protection and asylum in U.S. immigration policy.

The Commission voted unanimously to adopt the fourth recommendation, focused on increasing language translations for the DHS's CBP One™ mobile application, as amended (*italics and strikethrough below*):

- The Commission recommends that DHS should translate the CBP One™ mobile application into multiple languages, *including but not limited to Asian and Pacific Islander languages*, ~~including but not limited to Bengali, Chinese, Hindi, and Punjabi~~.

The Commission voted unanimously to adopt the fifth recommendation, focused on recapturing unused green cards for family and employment categories in DHS and DOS:

- The Commission recommends that the Department of Homeland Security (DHS) and the Department of State should recapture unused green cards for family and employment categories from FY 1992 through 2025.
- The Commission also recommends that the State Department, in cooperation with DHS, should adopt a new policy that confirms all green cards, per annual limit, remain available for an eligible immigrant even if the agencies cannot process the relevant paperwork in that fiscal year. This policy should be applied retroactively to recapture green cards that were unused before the new policy goes into effect.

Health and Equity Subcommittee

Actions Taken:

The Commission voted unanimously to adopt the first recommendation, focused on increasing accessibility of medical diagnostic equipment, providing grants, and increasing access to cancer education:

- The Commission recommends that both the U.S. Department of Justice's (DOJ) Disability Rights Section and the U.S. Department of Health and Human Services' Office for Civil Rights (HHS OCR) should adopt and enforce the Access Board's recommendations on medical diagnostic equipment accessibility standards to improve the ability of disabled people and older adults to be evaluated and diagnosed by their providers.
- Provide federal grants to help community health centers to add more accessible equipment in their facilities.
- Increase access to cancer education to non-English speaking communities in culturally competent, easy to understand language.

The Commission voted unanimously to adopt the second recommendation, focused on improving rates of infection, access to care, hospitalization, and death rates in the AA and NHPI community, as amended (*italics below*):

The Commission recommends to:

- Collect, disaggregate, analyze and publish *accurate* data impacts of COVID-19 on AA and NHPI with emphasis on:
 - Disaggregated data for Native Hawaiians and Pacific Islanders
 - Disaggregated data for language preference
 - Disaggregated data for immigrant, refugee and COFA populations
 - Disaggregated data for disability, LGBTQ+ and other marginalized communities
 - Disaggregated data beginning March 2020 for rates of testing, vaccination and booster rates, hospitalization and death rates, as well as the long-term effects of COVID-19
- Conduct culturally and linguistically appropriate targeted public health campaigns on the benefits of vaccines, address vaccine hesitancy, and conduct community-specific vaccination days.
 - Partner with trusted community organizations
 - Re-establish funding and resources for targeted vaccinations
- Identify the appropriate federal agencies for the data analysis and reports, and public health campaigns, starting with the Centers for Disease Control and Prevention, Office of Minority Health, the National Institutes of Health, as well as the Health Resources and Services Administration, the Administration for Children and Families, the Administration for Community Living, and the Centers for Medicare and Medicaid Services (CMS).
- Take immediate steps to address ongoing barriers to care, treatment and medication for underserved populations (which were accentuated during the pandemic), especially for those who are immigrant, refugee, or COFA. Continue to expand Medicaid coverage and include coverage for those who are limited by the 5-year bar (legally present in this country but uncovered for their first 5 years).
- With telehealth now a normal means of accessing care, address the digital divide:
 - Conduct digital literacy efforts and provide resources for digital equipment and connectivity for underserved communities, including AA and NHPI.
- Establish a standard across federal agencies for *accurate* data collection, disaggregation, analyses, and publishing of public health emergencies, natural disasters and human-made disasters, including violence against communities.
- Provide program funding to community-based organizations to address these issues based upon the data collected.

The Commission voted unanimously to adopt the third recommendation, focused on reducing student-to-counselor ratios in public schools and colleges to improve mental health support for students, as amended (*italics below*):

- The Commission recommends that the U.S. Department of Health and Human Services and the U.S. Department of Education issue guidelines and invest in reducing student-to-counselor ratios in public schools and colleges to improve Tier 1 mental health support

for students, inclusive of Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI).

- Specifically, the Commission recommends to:
 - Set a guideline for a maximum ratio of 250:1 for schools and colleges to ensure adequate mental health support for students.
 - Provide additional funding to public schools and colleges to increase the number of counselors, guardians/ parent/family engagement, and mental health professionals available to students, particularly those with a significant Asian American, Native Hawaiian, and Pacific Islanders student population and also at Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI).
 - Provide training to counselors and mental health professionals to address the unique mental health needs of Asian Americans, Native Hawaiians, and Pacific Islanders.
 - The Department of Health and Human Services and the Department of Education should issue guidelines that encourage schools and colleges to invest in reducing student-to-counselor ratios.
 - The guidelines should provide information on available resources, such as federal grants and loan forgiveness programs for counselors who work in public schools and colleges.
 - The guidelines should encourage public schools and colleges to prioritize *culturally competent* mental health support as part of their overall wellness programs.
 - The Department of Education should establish a reporting system that requires public schools and colleges to report their student-to-counselor ratios annually, and to set goals for improvement, including at AANAPISI-designated educational institutions.

The Commission voted unanimously to adopt the fourth recommendation, focused on increasing the weight of limited proficiency in medically underserved areas and populations, as amended (*italics below*):

- The Commission recommends that:
 - HHS should increase the weight of limited English proficiency (LEP) in medically underserved areas (MUA) and medically underserved populations (MUP) definition and formula to determine scores for allocating federal funding to new *and existing* access points for health centers and encouraging health professionals to work at high-need health centers.
 - HHS should revisit and review all recommendations put forward in the 10/31/2011 “Negotiated Rulemaking Committee on the Designation of Medically Underserved Populations and Health Professional Shortage Areas: Final Report to the Secretary;”
 - The HHS OCR should review different federal definitions of vulnerable populations, social deprivation, marginalized populations, socioeconomically disadvantaged, social determinants of health, language and cultural barriers, underserved populations, and high-risk populations.

- Ensure that LEP is included in all definitions, particularly since resource allocation and grant eligibility are driven by such definitions in the various agencies;
- LEP should always be considered in any federal government equity framework.

Language Access Subcommittee

Actions Taken:

The Commission voted unanimously to adopt the first recommendation, focused on establishing a Language Access and Equity Task Force, as amended (*italics below*):

- The Commission recommends that by December 2023, the President establish a Task Force on Language Access and Equity to assess the current state of language access affairs and explore language for a new Executive Order on Language Access and Equity. The mission of this Task Force will be to establish language access data collection standards and consistent language access enforcement strategies across all federal agencies and report to the Attorney General. This initiative will build upon E.O. 13166 and provide further recommendations for an enhanced E.O., known as the Language Access and Equity Executive Order, to be issued in 2024.
- The following areas should be addressed by the Task Force:
 - The Task Force should include the participation and involvement of the following agencies and offices: the White House, Domestic Policy Council (DPC), Chief of Staff's office, Department of Justice (DOJ), Office of Civil Rights (OCR), Federal Coordination and Compliance Section, Office of Legal Counsel, Office of Management and Budget (OMB), Department of Health and Human Services (DHHS), Department of Homeland Security (DHS), and current designated federal Language Access Coordinators and/or personnel.
 - This Task Force should also engage with AA & NHPI and other community language access advocates, language service providers, and stakeholders to identify the language access service gaps for LEP AA & NHPI individuals.
 - The Task Force should identify all service entry points within each federal agency where barriers exist for LEP AA & NHPI communities. These entry points are areas where individuals interact with the federal government online, on the phone, in person, or through other forms of communication.
 - The Task Force should establish a language access data collection protocol that includes the collection of disaggregated data for AA & NHPI language needs to enable a more accurate assessment of language access gaps within this diverse community.
 - The Task Force should identify enforcement mechanisms in each federal agency and expand agencies' capacity to strengthen accountability measures, train personnel on language access requirements, and establish consistent reporting and processes for addressing language access complaints.
 - *The Task Force should provide a final report to the public.*

The Commission voted unanimously to adopt the second recommendation, focused on including language access and concordance for LEP individuals and populations in research:

- The Commission recommends that the U.S. Census Bureau EHealth program includes analysis on language access and concordance for limited English proficient (LEP)

individuals and populations, as a routine and standard part of all research projects/programs/collaborations with any external partner, as part of the interests of the federal government in understanding and addressing health disparities and health inequities affecting LEP populations.

The Commission voted unanimously to adopt the third recommendation, focused on increasing support for the implementation of The Native American Languages Act of 1990, as amended (italics and strikethroughs below):

- The Commission recommends that:
 - The Department of the Interior should increase support for the implementation of The Native American Languages Act of 1990 (NALA), *e.g.*, develop new programs specifically focused on building on the success of Native American language medium/immersion education (NALA Section 104 (3)).
 - Continue and expand federal programs that are relevant to Native Hawaiian language support *for all educational levels, e.g., i.e.*, those in *Elementary Secondary Education Act (ESEA), Titles VI and III-Every Student Succeeds Act (ESSA), and the recently passed National Native American Language Resource Center.*

The Commission voted unanimously to adopt the fourth recommendation, focused on federal agencies working in partnership with community advocates, organizations, and survivors to develop the Law Enforcement Victim Screening Protocol (italics below):

- In compliance with The National Strategy to Combat Human Trafficking, Chapter 1., Action Item 1.1, the Commission recommends that the federal partners stipulated in the National Strategy, work in partnership with and include community-based victim advocates, community-based organizations, and community-based survivors, and prioritize language access in the development of *the Law Enforcement Victim Screening* protocol. Advocates should be brought into the process early on to ensure the protocol is framed in a survivor-centered, trauma-informed way and prioritizes language access and cultural responsiveness. Currently, community-based victim advocates are not included in the development of the protocol and there is no mention of language access or interpretation priorities.

The Commission voted unanimously to adopt the fifth recommendation, focused on developing oversight around the use of machine-translation and artificial intelligence technology in relation to marginalized communities, as amended (italics and strikethrough below):

- The Commission recommends that the Office of the U.S. Chief Technology Officer, U.S. Digital Services in consultation with U.S. DOJ Civil Rights Division:
 1. Develop standards/guidelines/*guardrails and human oversight* around the use of machine-translation or Artificial Intelligence (AI) translation technology *and applications when it is appropriate or inappropriate* to use by the federal government, federal contractors, or federal grantees.
 2. Develop a process for addressing harmful impacts as well as remedies *with respect to AI errors and assess when it is inappropriate to use machine translation/AI, especially as it affects marginalized communities.*

3. *The Commission recommends that the Biden-Harris Administration’s recent announcement regarding Advanced Tech Accountability and Protect the Rights of the American Public include consultation with marginalized communities, including AA and NHPI communities.*

The Commission voted unanimously to adopt the sixth recommendation, focused on establishing a biennial national summit for growing language needs:

- The Commission recommends that WHIAANHPI, the White House Office of Public Engagement (OPE), and the Department of Justice (DOJ) convene a biennial national “Language Access, Equity, and Justice” Summit in regions with growing language access needs.
- The Commission makes the following recommendations for the Summit:
 - Host the event in a hybrid model to accommodate virtual and in-person guests from across the nation.
 - Provide a progress report on current language access plans and the current state of language access enforcement and implementation of existing language access civil rights laws across all the federal Office of Civil Rights (OCR) by designated Language Access Coordinators or personnel.
- Create an intentional space to solicit feedback on the updated federal agency language access plans.
- Empower and accommodate limited English persons by providing simultaneous interpretation, translated materials in multiple AA & NHPI languages, and be inclusive of languages of lesser diffusion.
- Center and incorporate the voices and stories of community stakeholders who have been directly impacted by language access issues.
- Incorporate national and local key AA & NHPI stakeholders and subject matter experts in the program planning process.
- Upon successful execution of the Summit, the lead federal agency should provide a public summary of the program, federal recommendations, community feedback, and lessons learned to be shared with participants, related interagency workgroups, and federal agencies.

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

Actions Taken:

The Commission voted unanimously to adopt the first and only recommendation, focused on creating an anti-racism arts competition and public-ad campaign:

- The Commission recommends combating this problem and increasing public awareness about the growing issue of violent hate crimes against AA and NHPI, as well as discrimination against other minority groups, by having the federal government create a multi-prong campaign to support its policy efforts. These efforts will include: designating interns/fellows from federal agencies to develop a first of its kind anti-racism arts competition and corresponding public ad campaign.

- The campaign has the following elements:
 1. Establish an interagency policy working group. This interagency working group should include the Secretary of Homeland Security, the Attorney General, and the Secretary of Health and Human Services to develop a plan and coordinate the Administration’s strategies to prevent, combat, and support victims of race-based bias and violence. This group will be coordinated by an advisor in the White House. Other members should include the Secretaries of the SBA, NEA, NEH, DOE, etc., and they should convene subject matter experts and peers in the private sector, along with nonprofit social justice leaders.
 2. The interagency working group will spearhead committees to advance its policy initiatives by doing the following:
 - a. Support opportunities for young people by creating internships/fellowships within the interagency working group with the specific goals of creating belonging and helping combat anti-Asian hate, discrimination, and violence by working together on the following activities in (b)-(d).
 - b. Chaired by the NEA, the committee will develop a national arts competition with the goal of awarding scholarships for artwork showcasing the theme in various forms and media (*i.e.*, poetry, music, painting, theatre, photography, film, etc.). The endowment will support robust participation and engagement as well as dedicate resources to support the national arts competition, culminating in a special awards ceremony, featuring influential hosts and presenters.
 - c. Administered by NEA and NEH, create an accompanying national ad campaign to celebrate winners of the competition, display their work, while using the campaign as a platform to speak out against hate, violence, discrimination, and create belonging.
 - d. Explore public-private partnerships to support development of the national arts competition and corresponding ad campaign.
 - e. Make recommendations to OMB about resources needed to implement agency strategies to prevent and combat race-based bias and violence, and support victims, support internships, staff the interagency working group for program administration, as well as fund the ad campaign and arts competition.

Data Disaggregation Subcommittee

Actions Taken:

The Commission voted unanimously to adopt the first recommendation, focused on including diverse AA and NHPI input when the Census Bureau classifies populations, as amended (*italics*):

- The Commission recommends that the Census Bureau include feedback and input from relevant and diverse *AA and NHPI* community-based organizations (CBOs) when classifying various populations.

- The Census Bureau should engage directly with CBOs and jointly determine classifications that are culturally and linguistically appropriate.
- The Equitable Data Working Group (EDWG) should ensure the Administration *prioritizes funding for the U.S. Census to be directed to CBOs in order for them to engage.*
- The Office of Strategic Alliances within the Census Bureau should increase resources (including staff representative of the AA and NHPI populations) to work with a larger network of community organizations.

The Commission voted unanimously to adopt the second recommendation, focused on creating a task force to improve NHPI data collection and disaggregation:

- The Commission recommends that HHS should establish a task force, which includes NHPI CBOs, to address privacy and legal concerns and expand the capacity of data collection methods to facilitate collection and disaggregation of NHPI data.

Economic Equity Subcommittee

Actions Taken:

The Commission voted unanimously to adopt the first recommendation, focused on convening a listening session for each region to engage nail salon workers and owners to support their community, as amended (italics and strikethrough):

- The Commission recommends that by May 2024, the Department of Labor (DOL), HHS, and Small Business Administration (SBA) should convene ~~a national~~ listening sessions *for each region and engage CBOs to organize nail salon workers and nail salon owners to participate*, discuss, and address the economic concerns, health and safety issues, and labor rights, culminating with the issuance of a study on the state of the industry and a national action plan to support workers and owners.

The Commission voted unanimously to adopt the second recommendation, focused on mercantile licensing, as amended (italics and strikethrough):

- The Commission recommends directing the Department of Interior to start beneficiary consultation on mercantile licensing and promulgate federal rules that provide clarity for beneficiaries to access lands for mercantile purposes, as this ~~Without specific federal regulations in place to guide the State DHHL and sufficient oversight by the DOI, the purposes and intent of the HHCA land trust have been lost. Beneficiary consultation and federal rules regarding the issuance of mercantile licenses~~ would help make the Hawaiian Homes Commission Act work for its intended beneficiaries.
- *In addition, the Commission recommends establishing a budget for beneficiary consultation on mercantile licensing within the Office of Native Hawaiian Relations at the Department of Interior should be included in the FY25 budget.*

- *Finally, the Commission recommends that all land dispositions under the HHA, section 204, must include a minimum 50% partnership with a Native Hawaiian person or entity controlled by Native Hawaiians.*

Closing Remarks and Next Steps

Chief Commissioner Sonal Shah noted that the process of revising recommendations has been significantly better. She thanked everyone's efforts in putting things together. A special thanks to Janet Cushing for live editing the recommendations. Chief Commissioner Shah thanked the team for their work and their time commitment. She also thanked the tech team. She remarked that she wants to have a conversation with the time remaining.

Executive Director Ka'ai congratulated the commissioners for their long day. She announced to the public that the Commission will expire on September 30, but the White House has offered reassurance that they will extend it for an additional two years past the September 30 end date. She noted that some commissioners are interested in staying while others are departing. She told the commissioners to think about their future, legacy, and how to use the next few months.

Chief Commissioner Shah put out ideas including how the Commission wants to use their time effectively now that it will not be expiring at the end of September. She offered two ideas: (1) bring in speakers to speak at Commission meetings so that others can be allowed into the conversation and (2) consider consolidating subcommittees because it is a large time commitment and many topics crossover in subcommittees. Chief Commissioner Shah also asked the commissioners to discuss what they would like to accomplish and leave communities with after their term ends.

Commissioner Huang responded to Commissioner Shah's first idea, stating that a challenge on the Commission is trying to create recommendations when there are simultaneous efforts happening elsewhere. She asked how to reduce this duplication of effort or coordinate better.

Commissioner Kalsi remarked it would make sense to adapt the structure so that there are not six subcommittees because it is a lot to manage. He favored having fewer subcommittees as it would allow better recommendations. He recommended a dashboard where the status of a Commission's recommendations could be displayed to the public.

Commissioner Blue agreed with consolidating committees and recommended that they review the common themes of the committees to bring them together. She noted that the members are connected international and agrees with having international speakers speak on the impact of their recommendations. She argued that on the dashboard, she wanted to know why things are rejected by other agencies, especially for the public.

Commissioner Batayola noted that inviting speakers would assist in the deliberation of recommendations, especially when they are able to invite members of other committees, but they are limited in numbers, and education, for instance, with the affirmative action discussion, it is important to understand the diversity of situations and circumstances of members of the community. She noted there are two purposes to invite speakers: 1) to learn 2) education. She notes that the Commissioners can help educate the public on issues, especially with such a

diverse community. In response to a dashboard, she agrees on the implementation of a dashboard and notes how it will allow accountability as it can track recommendations from previous years. She notes that the Commission should audit itself to find areas it has not addressed.

Commissioner Chang noted that in future full commission meetings, there would be a report back on the status of recommendations. She asked for clarification on “no’s” for recommendations. She furthered that in full commission meetings, there have been many events that impact Commissioners and Commissioners needs to figure out how to let the public know that they see what is going on in their communities. She wants a rapid response or way to respond to issues as they come up, but not in a way to supersede the administration’s public statement. She asked if there will be rolling or batched recommendations. Chief Commissioner Shah confirmed but asked whether the Commission wants to quantity of information versus where they want to prioritize.

Commissioner Doi concurred with how Commissioner Batayola articulated her points well. He notes that topics for the future committee meetings should include issues that AANHPI communities have in common with other groups being discussed, especially in other White House commissions.

Commissioner Ives-Rublee seconded Commissioner Doi’s comments, especially the needs to understand what is happening in other commissions. She expressed interest in having a joint-Commission recommendation as it will have a greater impact on the President. Especially on Affirmative Action, she notes there are rifts which do not allow meaningful conversations with other communities. She also noted it will be important to find extremely marginalized communities that the Commission has not yet addressed, so the commission knows where to put their focus.

Commissioner Ka`uhane agreed with the ideas of collapsing committees and speaker during meetings. She noted that with a virtual audience, it will be important to have a broader audience. She remarks how for NHPI communities, they may feel like a smaller stepchild to the broader AANHPI community, and it will be important to elevate the issues of these communities.

Commissioner Huynh agreed with the point of consolidating committees. She believed that having speakers will demystify the resources available to and educate the AANHPI community. She notes that she struggles with how to engage ethnic media outside of WHIAANHPI and how to bring recommendations to the community, especially those not technologically fluent. She recommends the Commission translates recommendations in multiple languages.

Commissioner Bhutoria thanked Krystal, Erika, Sonal, Viviane, for their leadership, and WHIAANHPI for offering this opportunity. He noted the recommendations that the Commission has made has been implemented in policies, which creates positive impact in communities. He is excited to be taking on more challenges in the future. He further noted that the Commission should continue holding meetings at the same pace to keep the momentum.

Chief Commissioner Shah remarked that when everything is important, nothing is important, and notes a lot is not being heard. However, communities are not talking to policy makers but are

hearing their talking points on TV. She remarks the Commissioners are insiders and that when they give access, it opens a process that people do not understand. She reminds the Commissioners that what Commissioners hear is not what the public is hearing. By allowing the public access, it can give them a bigger voice. She notes that on consolidation, she does not believe that certain committees are not important but that many recommendations bleed into each other, for instance, three were many recommendations on language access and data disaggregation that were across committees. She questions the needs for multiple committees to target these issues but furthers that there be more discussion in committees. She reiterates the point that the pace for committees is excessive.

Commissioner Daniel Dae Kim noted on language access and data disaggregation, he asked whether those topics can be integrated into all committees to alleviate the workload.

Commissioner Shah agreed with Commissioner Daniel Dae Kim's comments. She asked if there will be reassessment of committee membership. Chief Commissioner Sonal Shah answered that she plans to have that conversation within each subcommittee.

Commissioner Huang flagged that the Commission did not create a subcommittee on NHPI communities specifically, especially when we have learned so much about the issues they are facing.

Commissioner Yang asked if the DFOs will rotate still, or if the structure will change. She also remarked that education is an important issue for the community and asked if it cuts through all committees or requires a separate committee. She notes that data disaggregation and language access is an issue that cuts through all committees.

Commissioner Samoa echoed the point of Commissioner Yang and noted that data disaggregation cuts through other committees but that the content learned in that committee is large. He notes that the natural merge is with the Health Equity Subcommittee. He remarks that when there is an NHPI commissioner, there are very informed recommendations. He furthers that recommendations have barely address NHPI, especially when there are only three NHPI commissioners, and it has been hard to share that perspective in subcommittees.

Commissioner Chang asked if the full commission meeting could do interpretations for three languages and do a pilot testing for simultaneous interpretations.

Commissioner Yang noted that Commissioners needs to slow down and learn more about the disparities in other AANHPI communities. She asked if there should be a retreat to share these ideas and learn from each other and leverage each other's powers.

Chief Commissioner Shah noted the conversation has been helpful. She asked if there should be one or two commission meetings before the end of this year. Commissioner Ives-Ruble noted that people will be rolling off and that there is not official ending. Commissioner Daniel Dae Kim noted that it will depend on the number of recommendations, especially when people must travel. He suggested that new Commissioners should be chosen with diversity of political thought and questions. Commissioner Doi remarked that he wanted to continue the momentum and is in favor of more meetings. Commissioner Kalsi concurred with Commissioner Doi and

noted that the recommendations the Commission makes are necessary. He offered an alternative of having a meeting in January instead of December. Commissioner Yang asked if there are new members, whether there will a retreat to plan out how to incorporate new members.

Commissioner Poo raised the conversations about how the Commission communicates accomplishments and implications of the policies that have been passed in the Biden administration for the AANHPI community (*i.e.*, CHIPS Act and Bipartisan Infrastructure Bill). She noted that it will be important to have at least one more meeting for closure for people leaving the Commission. Executive Director Ka`ai clarified that Commissioners are extended automatically and so a meeting can be held after December. Commissioner Kevin Kim asked for clarification about the extension. Executive Director Ka`ai responded that it will be for a two-year term and if there is a change in administration, there may be a termination of terms. Commissioner Kevin Kim noted that he preferred an in-person meeting in October and virtual in January. He agreed with Commissioner Poo and wanted to organize an ethnic media roundtable to ensure that the message is consistent across outlets.

Commissioner Kevin Kim stated the commission can have an October meeting in person, and a January one virtually to get the community more informed about what we have done, either through WHIAANHPI or an immigration roundtable. The ethnic media outlets could be included, but they wouldn't get in the same way the community would.

Commissioner Shah noted that she supports have two meetings and with speakers, committees shouldn't have so many recommendations during each meeting and instead have more in-depth recommendations. She asked how the budget will work if meetings are being pushed back. Executive Director Ka`ai noted that the budget is not separate but part of WHIAANHPI and there will be funding identified.

Commissioner Ka`uhane thanked the organizers and remarked how important it was to have a meeting in Hawaii, especially in understanding and speaking with Hawaii community members. The importance of being physically here and putting one's feet on the land on behalf of the Hawaiian people is extremely important.

Chief Commissioner Shah thanked the commissioners, DFOs, and WHIAANHPI team.

Meeting Adjourned at 6:00 PM HST.

In Attendance:

Sonal Shah
Amy Agbayani
Teresita Batayola
Ajay Bhutoria
Luisa Blue
Dr. Kimberly Chang
Daniel Dae Kim
Kerry Doi
Grace Huang

Victoria Huynh
Mia Ives-Ruble
Dr. Kamal Kalsi
Michelle Ka`uhane
Smita Shah
Robert Underwood
Simon Pang
Dr. Raynald Samoa
Ai-jen Poo (virtual)
Naheed Qureshi (virtual)
Kevin Kim (virtual)
Sarah Min (virtual)
Emily Chen(virtual)