



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

Wednesday, September 28, 2022
Meeting Minutes

Action Items

The Commission voted unanimously to move forward the recommendation of the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused:

- Increase reporting anti-Asian hate crime through improved language access and community town halls, including:
 - Translating the Federal Bureau of Investigation (FBI) tip form into other AA and NHPI languages such as Simplified Chinese, Traditional Chinese, Vietnamese, Korean, Tagalog, Arabic, Japanese, Urdu, Punjabi, Hindi, and Pacific Islander languages. The form must also be culturally sensitive, and the FBI must develop an engagement plan.
 - Improving AA and NHPI language services for the FBI tip line by establishing standardized response times for phone calls or return calls to person(s) from five to ten minutes to avoid “cold feet” from the person(s) reporting the hate crime to the FBI tip line.
 - Recommending that the FBI, and other federal agencies that address hate crimes, review data to determine the number of AA and NHPI interpreters needed to meet the five to ten minutes response time.
 - Scheduling in-person and virtual town halls to provide engagement opportunities for members of the AA and NHPI communities, including organizations that are currently working with victims of AA and NHPI hate crimes and incidents. These public town halls enable this Commission and federal agencies that address hate crimes and incidents and collect data to hear directly from members of the AA and NHPI communities and AA and NHPI organizations. These public forums also provide opportunities for federal agencies such as the FBI, Department of Justice's Office for Civil Rights, and other pertinent agencies to share information with the

- community on how to file hate crimes, incidents, and complaints and to let the public know that the agencies exist to help them.
- Recommending that five cities and/or regions with the highest population of AA and NHPI communities be targeted for the in-person town halls.
- Upon the completion of the town halls, providing a written report to the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee for review and discussion to ascertain if more recommendations are needed.

The Commission voted unanimously to move forward all three recommendations, as amended, of the Language Access Subcommittee, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused:

Recommendation One:

- Strengthen the executive branch's ability to incorporate language access into operations (i.e., strengthening Executive Orders 13166 and 13985). Recommend that the Attorney General request federal agencies to recommit to Executive Order (EO) 13166 by:
 - Immediately designate a language access point of contact for their agency/department who will be the point person for all language access inquiries for the agency/department;
 - Revising their language access plans that include a timeline on expectations when translations will be completed, with particular focus on emergent issues and making them publicly available on the agency/department website, including translations in both written and oral formats;
 - Developing a complaint process and system for each agency/department so that stakeholder and persons with limited English proficiency (LEP) know where to ask for help and where to file complaints about the quality or provision of language assistance services; and
 - Ensuring that all recipients of federal financial assistance develop, implement, and operationalize language access plans or policies and create a public complaint/accountability system so that LEP beneficiaries have meaningful access to federally-funded programs.

- The Commission is particularly interested in language access action by the following federal agencies which have extensive interactions with LEP individuals through their federally-conducted or federally-assisted work: Department of Commerce (DOC), Department of Education (DOE), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), Small Business Administration (SBA).

Recommendation Two:

- The Office on Management and Budget (OMB) should immediately issue additional guidance/memorandum/circular/communication directing all agencies to allocate funding toward increasing language access resources as they develop their fiscal year 2023 (FY23) budgets.

- The OMB should instruct their internal budget examiners to look for language access priorities reflected within the submitted budgets for FY23.
- Going forward, beginning with their budget building process in FY24, OMB should provide guidance directing agencies to include funding to implement language equity and equity initiatives in agency budgeting plans, including for agency components that provide federal funding to provide guidance on inclusion of language access plans and budgeting for language services.
- The OMB should complete a full evaluation of all executive departments and agencies of the cost to provide translations of the top 12 languages spoken in the US by the end of 2023.
- The President’s budget should include funds for translation services in all executive departments and agencies. The budget should fund translation services at a minimum of 70 percent of OMB’s estimate by FY 2025, and at 100 percent by 2030.

Recommendation Three:

- Expand dissemination of USCIS information in multiple languages and increase AA and NHPI community outreach.
 - It is recommended that USCIS expand its multilingual outreach in AA and NHPI languages and collaborate with community-based organizations (CBO) in AA and NHPI languages. In addition, USCIS should direct its community relations offices in each field office and national benefit centers to develop an outreach plan to reach AA and NHPI communities in their service areas and to develop a language access plan to ensure its community engagement activities are accessible to those communities by the end of 2023.
 - USCIS should translate information about the Disability Waiver Process and the English language exemptions allowing for the AA and NHPI language test for naturalization and citizenship for seniors and elders who have very limited capacity to learn English, and partner with CBOs to disseminate this information.
 - It is recommended USCIS update its website with translated digital content, public information in multiple languages around visa rules changes, green card applications and rules, and the naturalization test. USCIS has a very limited number of translated documents. USCIS needs to expand this service with more content in multiple AA and NHPI languages.

The Commission voted unanimously to move forward the recommendation, as amended, of the Data Disaggregation Subcommittee, with Commissioners Michelle Ka’uhane and Naheed Qureshi recused:

- Recommend that the Office of Management and Budget (OMB) amend the minimum data collection standards for race to include guideline recommendations to collect, analyze, and report data on smaller populations, such as AA and NHPIs, for federal

surveys to fulfill its mission to produce trustworthy, equitable, relevant, and accurate data on the status of health, education, labor, employment, housing, immigration, economy, and other vital indicators for all communities in our nation, including AA and NHPIs.

- Recommend OMB partner with the White House Initiative on Asian Americans, Native Hawaiians and Pacific Islanders (WHIAANHPI) to convene an annual AA and NHPI Data Summit that focusses on federal agencies sharing their best practices in producing meaningful disaggregated data on AA and NHPIs with an aim to engage communities to optimize their engagement with data.

The Commission voted unanimously to move forward two recommendations, as amended, of the Economic Equity Subcommittee, with Commissioners Michelle Kaʻuhane and Naheed Qureshi recused:

Recommendation One:

- Recommendation that all federal agencies to increase AA and NHPI representation in the federal government at all levels, including career, political, and Senate confirmed positions, strengthening the pipeline for AA and NHPI workforce to enter and advance up the ranks, and remove the barriers to hiring of AA and NHPI candidates via targeted AA and NHPI recruitment drives and outreach within AA and NHPI communities for all open/vacant positions.

Recommendation Two:

- Recommendation to advance strategies that ensure a strong direct care workforce to meet the rapidly growing demand for long-term services and supports (LTSS). Specifically, HHS should require states to assess the wage levels necessary to attract a stable workforce and to ensure that the payment of LTSS services (which essentially is a worker's wages) can support these wage levels and other costs to strengthen the Home Care and Community based services across the country.
- Recommendation to protect Asian and Pacific Islander immigrant workers exercising their civil and workplace rights while advancing economic security, opportunity, and equity.
- Recommendation to direct the Department of Labor to convene a domestic work advisory board to improve job quality for domestic workers.

The Commission voted unanimously to table the third recommendation of the Economic Equity Subcommittee until the December meeting, with Commissioners Michelle Kaʻuhane and Naheed Qureshi recused:

- The U.S. Small Business Administration should increase the number of new minority-owned entrants to the federal marketplace, with the goal of achieving 2-4 percent of annual contracts awarded to new minority-owned enterprises. This will help address the decline in the small business supplier base. SBA should also take a series of actions to

increase their partnership and outreach to the AA and NHPI community, including with Small Business Development Centers.

The Commission voted unanimously to move forward both recommendations, as amended, of the Immigration and Citizenship Subcommittee, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused:

Recommendation One:

- ICE should exercise its authority to release individuals from detention, or decline to detain, those who are able to demonstrate that they do not pose a risk to public safety, including those with criminal convictions that are five years old or older.
- For families of individuals who are detained, ICE should have a clear process that informs family members, counsel, and/or advocacy organizations about the detained person's whereabouts and case status.
- ICE should reduce the burden on AA and NHPIs subject to supervision by adopting the following procedures to ensure their processes center dignity with the ultimate goal of reuniting families:
 - Make the check-in process more accessible. ICE should keep the ability for phone check-ins, especially for people who have been on an order of supervision for some time and allow the periods of check-ins to be longer than one year.
 - ICE should also refrain from acting to remove, detain, or arrest anyone with a pending appeal, motion to reopen before either an immigration judge, Board of Immigration Appeals, or federal court.
 - For countries with known difficulties in receiving people removed from the United States (i.e. Laos, Myanmar), ICE can and should work on getting travel documents BEFORE initiating the removal process.
 - In deciding whether to exercise prosecutorial discretion, ICE should consider an individual's admission to the United States because they were adopted by U.S. citizens or lawful permanent residents to be a positive factor (equity) or a mitigating circumstance weighing against removal orders.
 - Currently, there is no uniform guidance about enforcement priorities due to pending litigation. In addition, existing guidance relating to prosecutorial discretion fails to mention consideration of situations where individuals cannot be deported to countries that will not accept ICE removals (such as Laos or Myanmar) or people who are stateless. Executing removal and/or detention decisions in these situations in an unproductive use of resources and creates hardship for families of individuals with immigration removal orders. ICE can and should consider whether a person would likely be physically removed if they were ordered deported before deciding to start the process, especially when it comes to detention decisions.
- USCIS should provide longer durations of Employment Authorization for individuals with long term orders of supervision and who are unlikely to be removed in the next

several years. USCIS should allow for Employment Authorization Documents (Form I-765/EAD) to be valid for a minimum of two or three years. In addition to reducing the burden on the EAD holders, allowing for longer term EADs will help reduce USCIS application backlogs.

- ICE should end or severely limit the Institutional Hearing Program (IHP), a program designed to expedite the deportation of people who are currently serving a criminal sentence. The IHP process unfairly results in people being deported without a meaningful way for them to participate in defending against removal, as it severely limits access to legal assistance or the means or time to build their legal cases.
- ICE should refrain from deporting people who have pending appeals, motions to reopen, or motions to reconsider. A person who is ordered deported by the immigration court or the Board of Immigration Appeals (BIA) can still ask the Executive Office for Immigration Review (EOIR) to reopen or reconsider their case or appeal the removal order to federal court. However, the removal order becomes “final” following the expiration of appeal deadlines within EOIR, and ICE is able to deport people even if they have pending federal court appeals. This means that if the person wants to stay in the U.S. while the motions or appeals are being decided (which can take months) they need to file a motion to “stay” (pause) the removal order with the federal courts. Some courts regularly grant these stays (e.g., 9th Circuit) while others like the 8th Circuit can be very tough to get a stay. But even if a person is deported, the person can later win their appeal and the processes to bring them back from the country of deportation can be involved, messy, and unclear. The administration should institute a policy where they do not execute a removal order if an appeal is filed with the federal court or if there is a pending motion to reopen or reconsider. This can be especially important when a person is trying to seek protection from persecution, torture, or death. At the very least, there should be clear guidelines that direct the agency on how to decide which people they should wait for.

Recommendation Two:

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

September 28, 2022
Meeting Convenes at 9:30am ET

Carol Wu, Senior Advisor, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) and Designated Federal Officer (DFO), President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission)

Ms. Wu opened the meeting by welcoming everyone to the third quarterly meeting of the Commission. She thanked the Commissioners for their work since the last meeting on May 12, 2022, speaking with subject matter experts, deliberating, and preparing recommendations to be shared with the full Commission and the public at today's meeting. Ms. Wu offered a brief explanation of the Commission's commitments pursuant to the Federal Advisory Committee Act (FACA). Information about the Commission is available at www.hhs.gov/about/whiaanhpi, and the public is encouraged to submit written comments to aanhpicommission@hhs.gov.

Welcome and Introduction of Secretary Xavier Becerra

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

Executive Director Ka'ai welcomed the Commissioners to their third meeting and began her remarks by thanking co-chairs Secretary Xavier Becerra, Ambassador Katherine Tai, and Chief Commissioner Sonal Shah, who have all provided support, guidance, and leadership to the Commission. She provided an overview of the work since the Commission last convened in May, including finalizing and submitting their initial recommendations to the President. An additional set of recommendations will be voted on today and will be shared with the broader community in the upcoming weeks. Executive Director Ka'ai then introduced co-chair Secretary Xavier Becerra, noting his remarkable career achievements and service to marginalized communities.

Secretary Xavier Becerra, U.S. Department of Health and Human Services

Secretary Becerra, on behalf of himself and co-chair U.S. Trade Representative Ambassador Katherine Tai, thanked the Commission and the behind-the-scenes staffers for their work. He noted that since May, the subcommittees have been in full gear, preparing an inaugural report rooted in personal experience and informed by meetings with community members and federal officials. He maintained that as communities recover from the pandemic and look to pursue the American dream, everyone can contribute to shaping federal policy and strategy that will help address long-standing equities. Already there is steady progress with this administration. Last month, President Biden reduced costs and delivered unprecedented funding for AA and NHPI communities through the American Rescue Plan and the Inflation Reduction Act and HHS recently awarded nearly \$700,000 to the Hawaii State Department of Health to develop a new center of excellence focused on advancing AA and NHPI behavioral health equity. The recommendations this Commission has made have already provided useful information in determining long term actions moving forward. Secretary Becerra thanked Executive Director

Ka'ai, her team, the Commissioners, the White House staff, and Deputy Assistant to the President Erika Moritsugu for their invaluable and ongoing contributions.

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 thanked Secretary Becerra, Howard Ou, and Carol Wu for their leadership and service. She also expressed gratitude for the leadership of the Commission, which is working hard to embody the values and spirit of Executive Order 14031's broad mandate to advance equity, justice, and opportunity for all AA and NHPI communities. President Biden emphasized the rich diversity within the AA and NHPI communities when he signed into law H.R. 3525, a bill that will study the creation of a national museum of AA and NHPI history and culture, an important first step in honoring communities' legacy and heritage and what it means to be Asian American, Native Hawaiian, and Pacific Islander in this country. Ms. Moritsugu acknowledged the richness of the Commission, which represents a diversity of stories, experiences, and expertise. She also acknowledged the immense responsibility to honor the legacy of generations who made this work possible and to uplift and prioritize those who are too often silenced or forced to live in the shadows. It is the administration's priority to center equity for all historically underserved and marginalized communities, including AA and NHPIs. Ms. Moritsugu thanked the Commission for their work, their thoughtful recommendations to date, and for the conversations to come.

Commission's Charge and Goals for the Meeting

Sonal Shah, Chief Commissioner

Chief Commissioner Sonal Shah thanked the Commissioners and noted that their May recommendations were transmitted to the President and are now online on the Initiative's website. She emphasized the charge of the Commission in representing communities that are not heard and elevating their voices with the federal government. Chief Commissioner Sonal Shah reminded everyone that this is the first time recommendations are being submitted on a rolling basis, and that additional recommendations will be discussed today and at the Commission's December meeting. All staff and agencies have now received and are absorbing the May recommendations. She then shared the format for the meeting: each subcommittee will begin with presentations on their recommendations, followed by time for discussion with 20 minutes allotted for each recommendation. Recommendations will be edited live during the discussion, and the Commission will vote on each recommendation at the end of the meeting. A strategic planning session will take place for an hour, where Commissioners will discuss the legacy of the Commission, areas of focus going into the next year, and priorities moving forward.

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

Co-Chairs: Commissioners Luisa Blue and Dr. Kamal Kalsi

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

DFO: Carol Wu

Commissioner Kamal Kalsi thanked Secretary Becerra, Ambassador Tai, Deputy Assistant to the President Erika Moritsugu, Executive Director Krystal Ka'ai, Chief Commissioner Sonal Shah, and DFO Carol Wu. He noted that since May, the subcommittee talked to several subject matter experts, including:

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

The subcommittee's priority issue areas include: prevention of anti-Asian hate, education about AA and NHPI communities, increasing resources for victims, uplifting AA and NHPI youth, ways to address online harassment and abuse targeting AA and NHPI communities, preventing gun violence targeting AA and NHPI communities, equity review of federal government law

trainings and trainers, equity review of federal recognition of cultural and religious holidays, creating a national database of individuals convicted of hate crimes, and increasing federal transparency on data regarding domestic terrorism and white supremacist organizations.

Commissioner Kamal Kalsi then introduced Commissioner Daniel Dae Kim who remarked on the importance of this work, noting alarming rising statistics of hate crimes against Asian Americans, Native Hawaiians, and Pacific Islanders. Commissioner Daniel Dae Kim shared that, according to the FBI's annual Hate Crime Statistics Report in 2021, crimes against the AA and NHPI community rose 73 percent from the already sharply elevated figures of 2020. And according to the nonprofit organization Stop AAPI Hate, there were 11,467 incidents documented between March 2020 and March of 2022. It is critical that these stories be told.

Commissioner Luisa Blue then shared the problem statement, that language barriers and insufficient government engagement create a lack of trust within AA and NHPI communities preventing them from accessing the FBI tip form and reporting hate crimes. She shared that the subcommittee's **recommendation** is to increase hate crimes reporting among AA and NHPI communities through improved language access, including translating the FBI tip form into multiple AA and NHPI languages, and hosting community town halls to build trust, transparency, and accountability. She noted the need to translate the reporting form into languages beyond just English and Spanish. Community organizations also need to build trust with local law enforcement through town halls and there are examples from around the country on how that would operate. Moreover, community organizations need education on how to recognize what a hate crime is and how to report it to the FBI.

The rationale for this recommendation comes from the lack of language and culturally competent services. This is a barrier as one-third of the AA and NHPI community has limited English proficiency (LEP). Conducting in-person town halls and virtual town halls will allow community members, victims of hate crimes, and leaders and staff of community-based organizations to share their experiences with hate crimes and incidents, share any hate crime and incident data that community-based organizations have collected since the pandemic, and offer recommendations on improving the reporting of hate crimes.

Questions and Discussion

Commissioner Kevin Kim brought up declining local law enforcement participation and asked about ways to incentivize law enforcement agencies to get involved in these efforts. Commissioner Luisa Blue noted that while law enforcement agencies have access to training, there is a lack of accountability. For example, the city of Miami reports zero hate crimes, but they receive federal funding for training. The subcommittee had previously forwarded a recommendation to condition federal funding to local jurisdictions based upon compliance with hate crimes reporting. Commissioner Luisa Blue also noted there are reasons for why law enforcement does not report the incidents, including optics and bias in many departments.

Commissioner Raynald Samoa noted that for communities that do not have a favorable relationship with law enforcement and that have a penitentiary pipeline, having these town halls

and listening sessions sounds like a good step, but what about communities that would not come to these sessions? Commissioner Luisa Blue replied that in order to target certain communities, there needs to be partnerships with organizations that are recognized and respected. She added that education is also necessary to convince other members of the community that law enforcement is there to help, which would build solidarity with African American and Latino communities. AA and NHPI organizations need to turn out and be able to translate and law enforcement needs to hear directly from the community. She went on to note that she has seen senior citizens too afraid to come in for health checkups in Oakland's Chinatown, and some organizations have established working relationships with Oakland Police Department. It will take work to mend the hurt and facilitate healing.

Commissioner Kerry Doi noted that two nights ago after he arrived in D.C., the news broke that a pastor in one of the local communities in Maryland went into a Vietnamese nail salon screaming obscenities and telling them to go back to where they came from. He is unsure if the FBI would consider that a crime or not. There are actions such as education that might help mitigate the harm done, but he asked what the Commission can do. Commissioner Victoria Huynh added that in Georgia, it has been more than a year since the Atlanta shootings and there is a long history of communities underreporting and fearing law enforcement. She asked about ways to address and prioritize funding for this work as community organizations are often at capacity and unable to step in to facilitate engagement and translation without funding.

Commissioner Kamal Kalsi noted that every federal agency is charged with prioritizing language access, so it is not an issue of money. The Commission needs to push for accountability, which is an issue that community organizations have been raising for two decades. Chief Commissioner Sonal Shah added that funding must go to local community groups who are the trusted partners; they are too often asked to do this work for free, with no recognition.

Commissioner Luisa Blue remarked there are agencies that translate materials into AA and NHPI languages and asked if those agencies can coordinate within government. She asked why some agencies have capacity to do this work while the FBI does not and if it would be possible to create a translation service agency or have senior leaders of agencies collaborate. Commissioner Smita Shah emphasized the importance of language access and cultural awareness and understanding, adding that town halls bring people together and roundtables facilitate shared thinking.

Commissioner KaYing Yang asked if the varying definitions of hate crime can be made more consistent and if that is a probability for the future. Commissioner Kamal Kalsi responded affirmatively to both questions.

Language Access Subcommittee

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

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

Non-Commission Member: Deeana Jang

Ex-Officio Member: Ex-officio Member: Laureen Laglagaron, U.S. Department of Justice
DFO: Maysee Jacobs

Commissioner Kimberly Chang thanked the White House, Executive Director Krystal Ka‘ai, Deputy Assistant to the President Erika Moritsugu, and the non-Commission and ex-officio members of the subcommittee. She shared that the subcommittee received presentations from the following subject matter experts who helped inform their recommendations:

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

Commissioner Kimberly Chang outlined the subcommittee’s priority areas: improve language access in the justice system, increase public outreach through distributing language access information, improve language access funding for health care centers to serve families with limited English proficiency (LEP), prioritize and expand federal funding for AA and NHPI language access, build a pipeline of language translators and interpreters, and translate federal agency communications into multiple languages.

She shared three problem areas. First, despite Executive Order 13166, Improving Access to Services for Persons with LEP, which was signed 22 years ago, there continues to be a lack of

meaningful access across the federal government. There is a critical need to improve federal agency accountability and transparency. Second, agencies and departments fail to allocate sufficient funding to implement language equity initiatives. Finally, U.S. Citizenship and Immigration Services (USCIS) does not provide adequate language assistance services to the AA and NHPI community.

The subcommittee's **first recommendation** includes designating language access points of contact for each federal agency and department to strengthen the ability of the executive branch to incorporate language access into operations; revising language access plans and making the plans public on agency websites; developing complaint processes and systems so stakeholders and LEP constituents know where to get help; and ensuring all recipients of federal financial assistance develop, implement, and operationalize language access plans and policies and create a public complaint and accountability system.

Commissioner Kimberly Chang explained the rationale underlying the recommendations, noting communities have been waiting for over two decades for meaningful language access to federal initiatives. As a result, people have died, gotten sick, and been denied access to their civil rights, with numerous documented morbidity and mortality impacts due to limited English proficiency and inability to access information. While many federal agencies have language access plans, they often lack the coordination necessary to ensure consistent implementation of language access policies and procedures across the department. Furthermore, federal agencies play a lead role in enforcing the language-related nondiscrimination provision of Title VI and must develop the prerequisite civil rights enforcement framework and resources to enforce the rights of LEP individuals.

Questions and Discussion

Commissioner Luisa Blue remarked that the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee should work closely with the Language Access Subcommittee, as there is overlap in their issue areas. Commissioner Ai-jen Poo noted that while access is a moral and justice issue, it is also a practical issue to good governing. Instead of a deficit approach, there needs to be recognition of what might be possible if everyone can fully engage.

Commissioner Mia Ives-Rublee emphasized the need to provide spoken resources as well as written ones, as many communities remain unable to read or write in specific languages. She suggested amending the recommendation to include the procurement of spoken materials as well as timelines, as translated documents usually come out months after the English documents are released. As a result, in times of emergency, people do not get the resources they need.

Commissioner Kamal Kalsi remarked that federal agencies hide behind cost issues. Third party subcontractors are used to get the work done. Significantly more time and money are spent by not utilizing nonprofits or community service organizations. The process is inefficient and broken.

Commissioner Kevin Kim asked about how to implement the recommendation when there are hundreds of languages to take into account. Generally, translations occur for the top four or five languages, and then there are lawsuits with small organizations expending a lot of resources. Commissioner Kimberly Chang responded that there should be a language access coordinator position created and a language access point of contact immediately designated. The question of which languages to develop is an implementation piece not under jurisdiction of this Commission. Agencies and departments that already have language access plans may be more willing to start this process. Chief Commissioner Sonal Shah suggested starting with the top 15 languages, and that the federal government should work with states already implementing this work. Specific timelines as to when translations will be completed in language access plans, with a focus on emergent issues, need to be added.

Commissioner Grace Huang then outlined the subcommittee's **second recommendation**, which is to require the Office on Management and Budget (OMB) to issue immediate guidance to all federal agencies to allocate more funding toward language access initiatives, instruct budget examiners to make sure these priorities are highlighted, and provide guidance on inclusion of language access plans in future agency/department budgeting. A budget needs to be developed to ensure there is money to implement language equity initiatives. Agencies are not moving forward in putting these budgets together unless they have specific and executive direction. As OMB does its work every year, language equity must be part of the budget plans. Commissioner Grace Huang suggested starting with the top 12 languages and implementing immediate guidance to OMB examiners for fiscal year 2023, and then in fiscal year 2024, developing OMB instructions and memorandum. Then for every following fiscal year, a minimum of three to eight percent of the budget should go towards language equity. Additionally, instructions must be provided on translating agency websites and designating resources for developing and vetting service providers that can be accessed by grantees and subgrantees. Having a top-down approach and requiring budgets to reflect the language access needs of AA and NHPI communities is the starting point for the implementation of these initiatives.

Questions and Discussion

Commissioner Ai-jen Poo agreed that the way in which language access services are being paid for is both inefficient and ineffective. Commissioner Mia Ives-Rublee noted the minimum of three to eight percent of budgets may be sufficient for some departments to implement changes, but not others since each agency is allocated a different amount. She suggested that OMB conduct a full report on the cost of full translation services for the top 15 languages in the U.S. at each agency. OMB can then present the amount required to provide these services so that agencies can be held accountable. OMB has experience doing this for other services, and their budget should be included in the President's budget. Commissioner Mia Ives-Rublee further suggested amending the recommendation to include percentage progress markers to ensure complete funding by a certain date.

Commissioner Kevin Kim noted it would be helpful for OMB to implement the recommendation quicker if the Commission can provide specific community feedback on the services, noting what is most helpful. Commissioner Teresita Batayola added the need to center varying regional

considerations and differences and Commissioner Luisa Blue noted that more coordination is needed for every public form to be accessible. Chief Commissioner Sonal Shah added to include requesting information on which agencies are already doing this in the OMB report.

Commissioner Simon Pang outlined the third issue that the subcommittee was seeking to address by explaining that U.S. Citizenship and Immigration Services (USCIS) does not provide adequate language assistance services to the AA and NHPI community. The subcommittee's **third recommendation**, in collaboration with the Immigration and Citizenship Status Subcommittee, is to expand dissemination of USCIS information in multiple languages and increase AA and NHPI community outreach. The rationale underlying the recommendation is that India, China, the Philippines, Vietnam, and Korea are among the top 10 origin countries of all immigrants and the AA and NHPI population is one of the largest growing minority groups in the United States. The immigration process is complicated and language access should be provided. Finally, new immigrants are very likely to have limited English proficiency.

Questions and Discussion

Chief Commissioner Sonal Shah asked which communities face the biggest language access problems and Commissioner Grace Huang replied that the subcommittee decided against specifying the communities in the recommendation. Commissioner Ajay Bhutoria asked if USCIS can develop an outreach plan; given that every area has different communities, district offices should have regional outreach plans in their service areas. A suggestion was made to amend the recommendation to add this regional outreach approach. Commissioner Teresita Batayola added that this subcommittee should work together with the Immigration and Citizenship Status Subcommittee and noted the importance of centering immigrant workers who have limited reading proficiency. Chief Commissioner Sonal Shah added to consider oral translations.

Data Disaggregation Subcommittee

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

Members: Commissioners Emily Chen and KaYing Yang

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

DFO: Min Guo

Commissioner Sarah Min thanked all the staff, co-chairs, tech support, and the Commissioners. The subcommittee heard from a number of presenters and learned about successful examples of data disaggregation, which informed their work:

- **Dr. Joshua Quint, Unit Chief, Vaccine Data and Equity, Immunizations Branch, California Department of Public Health, and Data Consultant for the Native Hawaiian Health Organization Papa Ola Lokahi:** Presented on data disaggregation efforts in Hawaii during COVID-19. Shared the best practices on COVID-19 case reporting.

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

Commissioner Sarah Min shared the subcommittee's priority areas include removing obstacles to accessibility, usability, and sharing of federal agencies data; fostering two-way dialogue between communities and academic researchers; identifying important datasets and best practices from priority federal agencies for data disaggregation; and creating joint recommendations with other subcommittees. Commissioner Robert Underwood then laid out the problem statement which is particularly regarding smaller AA and NHPI populations. There is no consistent way in which federal agencies can share best practices in producing meaningful disaggregated AA and NHPI data. The subcommittee’s **recommendation** for OMB to amend minimum data collection standards for race to include guideline recommendations to collect, analyze and report data on smaller populations for federal surveys. OMB should partner with WHIA/NHPI to convene an annual AA and NHPI data summit.

Commissioner Raynald Samoa noted that since May, conversations with key federal agencies have laid the groundwork for the recommendations. The aggregation of AA and NHPI population data hides the diversity of this vast group and obstructs the appropriate allocation of resources to communities with specific needs. This has been an issue since 1977. OMB should amend the minimum collection standards to target smaller populations on federal surveys and hold an annual data summit for AA and NHPI communities. A coordinated “whole of

government” approach is required to bring forth equitable disaggregated data and agencies have an obligation to provide trustworthy, impactful, needed data for subgroups regionally. The first part of the recommendation calls for agencies to adhere to a statistical plan that addresses the problems with data disaggregation. Data needs to be collected uniformly and agencies need to communicate best practices.

Questions and Discussion

Commissioner Smita Shah was impressed with the level of detail and scholarship in the recommendations. Commissioner Kamal Kalsi noted that particular populations have had very different experiences in getting the COVID-19 vaccine and disinformation has been pushed out to these communities. He asked what it would look like to monitor the population in terms of COVID compliance if minimal data is collected. Commissioner Robert Underwood answered that the recommendation is a minimum standard and agencies can do more, which is critical for health agencies especially. He added that minimum standards are pivotal and the goal is to work with OMB to set shared standards. Like health data, education data is also important; the Department of Education just released a statement that students are a year behind in reading and math. This varies for different communities, but the exact breakdown is not known because the Department of Education does not collect that information.

Commissioner Kamal Kalsi asked about the language of “small population” and whether OMB can use that to opt out of data collection. He further asked if there would be a better approach to define “small population.” Commissioner Raynald Samoa answered that naming certain populations is a possibility and that most federal agencies adhere to OMB minimum standards for collection. There are statistical limitations because confidentiality rules do not allow for reporting of AA and NHPI disaggregated data. Some agencies are unsure as to how to handle smaller populations statistically and the recommendation that existing databases be used to standardize plans to use and report data was made. A compromise needs to be struck between what agencies can deliver and what the community needs.

Commissioner Kimberly Chang asked if in terms of data collection, accessibility for communities with an oral language tradition can be emphasized. Commissioner Ai-jen Poo asked about the role of data in solving the problems of both the past and the future. Commissioner Robert Underwood added that data is critical in solving equity problems and the conversations with OMB lead him to believe the recommendations are doable. While commitment to data disaggregation has wavered over time, this administration is on a positive track. Data disaggregation needs to move from goal to given and once that is the case, policy can be formulated. Commissioner Raynald Samoa noted that the 20-year plan is to liberate data and use it as a community advocacy tool. Chief Commissioner Sonal Shah emphasized the need to also look at what is coming and not just what is an issue today.

Economic Equity Subcommittee

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

Members: Commissioners Luisa Blue, Dr. Kimberly Chang, Kerry Doi, Michelle Ka‘uhane,

Kevin Kim, and Ai-jen Poo
DFO: Maysee Jacobs

Commissioner Smita Shah thanked everyone for their time and noted that the subcommittee met twice monthly in June, July, August, and September. A number of presentations informed their recommendations:

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

Commissioner Smita Shah emphasized that the subcommittee believes economic equity entails examining individuals and community organizations as well as businesses. The subcommittee's priorities include targeting recruitment to increase the percentage of AA and NHPI applicants to the federal workforce; increasing the number of AA and NHPI individuals in the federal marketplace to reverse the decline in small business suppliers; and supporting AA and NHPI workers in low-wage and caregiving jobs.

Commissioner Ajay Bhutoria presented the **first recommendation**. He explained it is anticipated that by 2025, 20 percent of the U.S. population will be AA and NHPI; however, they only make up 5.6 percent of the total federal workforce with even less representation at the higher levels of government. The recommendation is for all federal agencies to strengthen the pipeline for AA and NHPIs to enter the federal workforce and advance up the ranks by hosting targeted recruitment drives and outreach. This is important as AA and NHPI communities are underrepresented in the federal workforce recruitment process. The federal government should adhere to its principles of diversity, equity, inclusion, and accessibility.

Questions and Discussion

Commissioner Teresita Batayola noted the need to implement this recommendation at all levels of the workforce, including mid-level and leadership. Commissioner Raynald Samoa asked about the ability to ensure all agencies will see this broad recommendation. Commissioner Ajay Bhutoria answered that the recommendation is based on the Equal Employment Opportunity Commission guidelines. Chief Commissioner Sonal Shah inquired as to how best to track the recommendation and the ability to track the number of applications against hires. Commissioner

Kevin Kim replied that it is the IWG or the chief of staff sending a memo to all heads of agencies. Commissioner Grace Huang asked about the role that the OMB or Office of Personnel Management (OPM) play, and Chief Commissioner Sonal Shah noted there is an executive order on diversity, equity, inclusion, and accessibility (Executive Order 13985) in the federal workforce and OPM will set the regulations. Commissioner Daniel Dae Kim asked if there could be language inserted in this recommendation to address cabinet level appointments and Chief Commissioner Sonal Shah agreed with adding explicit language for appointments of the highest and secretary levels.

Commissioner Ajay Bhutoria then moved to the **second recommendation**, explaining that small AA and NHPI businesses encounter obstacles entering the federal marketplace, and have been declining over time. The subcommittee recommends that the Small Business Administration (SBA) take on a series of actions to increase their partnership and outreach to AA and NHPI communities, particularly those who are small business owners, as AA and NHPI small businesses play an essential role in the U.S. economy but are underrepresented in the federal marketplace.

Questions and Discussion

Commissioner Robert Underwood noted the recommendation is important for communities that have significant contracting with military facilities. He suggested asking SBA to put particular emphasis on their Small Business Development Centers as those are the vehicles through which they provide training to people entering the economy of small business. Commissioner Victoria Huynh remarked on the need to focus on language access issues and the opportunity to work with the Language Access Subcommittee. Commissioner Grace Huang asked who the recommendation is directed to and Commissioner Ajay Bhutoria responded that the focus is on the SBA and Small Business Development Centers.

Commissioner KaYing Yang shared an experience from Minnesota that contractors for state governments do not include Asian Americans because of the model minority myth. She asked if it would be possible to specify AA and NHPI small businesses in the recommendation. Commissioner Smita Shah replied that it would be possible to note a specific community and suggested including reporting out in the recommendation to see results. Both Chief Commissioner Sonal Shah and Commissioner KaYing Yang recommended adding language on minority owned businesses in the recommendation.

Commissioner Ai-jen Poo shared the **third recommendation**. She explained that in the United States, 44 percent of all workers aged 18-64 work in low-wage jobs, including at least 40 percent of AA and NHPI workers, many of whom are immigrants who occupy essential positions. These workers are essential to the safety and well-being of the country and to public health, but they have yet to be treated that way. One of the fastest growing workforce segments within the AA and NHPI communities is the care economy. The average annual income for a home health care worker is \$21,000 per year, making it very difficult for workers to care for themselves and their families, in turn leading to high turnover rates. This has huge implications for community elders and their ability to get access to the services they need. The subcommittee believes in the need to

invest in the care workforce, supporting immigrant workers who are trying to enforce their rights, and eliminating the fear that comes with being an immigrant worker.

The subcommittee recommended a set of initiatives to support and strengthen the direct care workforce. The first piece includes providing long term services and support for the elderly and people with disabilities, creating an interagency task force, ensuring the Department of Health and Human Services plays a role in assessing the wage levels necessary to attract and retain workers, and providing workforce training. Secondly, Asian immigrant workers who are exercising their civil and workplace rights must be protected. The Department of Homeland Security (DHS) and the Department of Labor (DOL) need to coordinate on clearly outlined processes for workers who are asserting their rights to receive protection from immigration enforcement and to have access to work authorization. The third piece is the White House needs to direct DOL to convene a domestic work advisory board, with stakeholders who develop recommendations on how to protect, empower, and strengthen job quality in home-based work.

Questions and Discussion

Commissioner Kamal Kalsi asked if undocumented workers are included in this recommendation and Commissioner Ai-jen Poo noted that the domestic work advisory board would be inclusive of all workers and that DHS and DOL coordination reflects those concerns. Individuals who do not have work authorization cannot work through publicly funded programs, so the first recommendation would not apply to them. Commissioner Robert Underwood noted these problems disproportionately affect AA and NHPI communities, but it is also an entire country issue; he emphasized the need to protect the elderly and workers generally.

Commissioner Kimberly Chang talked about nuance in exploitation, wage and labor violations, and labor trafficking. She noted these recommendations are a means of protecting against human trafficking and that when DOL and DHS start developing programs, it is important that investigations do not delay workers' ability to get benefits and protection. She asked to include language covering the granting of benefits and protections before investigations are complete. Commissioner Luisa Blue noted the subcommittee will work on a recommendation that focuses on protecting people's rights as workers in this country. Historically, homecare workers were not included in wage and overtime laws, and it was unionization efforts that changed that restriction. She added that long-term care and convalescent hospitals are expensive and that the government would be saving money by supporting care by family members. These homecare workers need to be protected by labor laws and they need to be able to join a union.

Commissioner Raynald Samoa asked about workers who do not fit neatly into the categories outlined in the recommendations, citing Compact of Free Association (COFA) workers who are brought to the U.S. but then cannot access benefits or rights. Commissioner Ai-jen Poo explained that home and community-based care costs states a third of all institutional care. She characterized the recommendation as a win for everyone as individuals can age in their community, the workforce is growing to support the expanding need, and the state is saving money. These are efforts supported by this administration.

Commissioner Grace Huang asked about specifying “Pacific Islander” before “immigrant” in the second recommendation and Commissioner Amy Agbayani suggested either adding “Asian American and Pacific Islander immigrant workforce” or just having “immigrant workers” language in the second recommendation. Commissioner Smita Shah shared that the subcommittee also considered the impact on families and ensuring that all family members can thrive and advance their rights. Commissioner Sarah Min agreed and characterized it as the basic concept of dignity. Commissioner Kerry Doi asked how Medicare reimbursement for home health care affects the wages of homecare workers. Commissioner Ai-jen Poo agreed that Medicare regulations need to be examined to understand the impact on reimbursements and wages and noted that these services are primarily delivered through Medicaid.

Health Equity Subcommittee

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

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

Non-Commission Member: Dr. Quyen Ngo-Metzger

DFO: Min Guo

Commissioner Teresita Batayola reported the subcommittee does not have a recommendation but wanted to share with the Commission the scope of its discussions. The subcommittee received presentations from the following subject matter experts since May:

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

- **Dr. Matthew Tejada, Director, Office of Environmental Justice, U.S. Environmental Protection Agency (EPA):** Provided insights on the Inflation Reduction Act’s climate provisions, as well as an overview on EPA programs that impact AA and NHPI communities.

Commissioner Teresita Batayola emphasized that health equity is a broad landscape, challenging the subcommittee in its breadth and the differing and disproportionate impact on AA and NHPI communities. There are social determinants of health to consider and health status is multifaceted, with complex contributors and barriers. For instance, the subcommittee is striving to bring recommendations to address and prevent gun violence. The American Medical Association has declared gun violence to be a public health crisis, and the subcommittee wants to work with the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee on this matter. The subcommittee also wants to address combating domestic, intimate, physical, and sexual violence. Violence can occur in all types of relationships and situations, regardless of gender identities or sexual orientation. A quarter to half of Asian American women report experiencing intimate, physical, and/or sexual violence during their lifetime. The subcommittee will continue to explore this problem and wants to work with other subcommittees.

In addition, Commissioner Teresita Batayola talked about the subcommittee’s desire to increase resources to address mental health. The subcommittee is heartened that its previously submitted recommendation for the Department of Health and Human Services to host a national mental health summit was favorably received. She then talked about the subcommittee’s focus on human trafficking, whether it is for labor, sex, or other purposes. Women and children, especially those of immigrant populations, disproportionately experience human trafficking, and this issue spans gender identification and age. The subcommittee will continue to explore the issues and attempt to develop recommendations.

Commissioner Teresita Batayola next identified the issue of an equitable response to COVID-19. The Health Equity COVID-19 and Equitable Response Group recognizes that the pandemic disproportionately affected AA and NHPI communities in ways that extend beyond infection rates. The subcommittee emphasized the need for more federal resources to expand the culturally and linguistically competent pandemic health care workforce and for the federal government to better address digital health literacy needs. The subcommittee continues to be interested in collaborating with the other subcommittees on recommendations.

Commissioner Teresita Batayola then talked about environmental justice. What started as a deep concern for the Red Hill aquifer contamination that affected drinking water in Oahu, Hawaii sparked discussions that elevated the intersection of environmental justice and social justice. She listed language access issues, as well as the need to expand quality, affordable coverage for more people and expand the culturally competent health care workforce, which has decreased because of the pandemic.

Finally, Commissioner Teresita Batayola emphasized the importance of women’s health, noting higher numbers of breast cancer, diabetes, blood pressure, and other health conditions within AA and NHPI communities. She talked about challenges in accessing reproductive care and mental

health resources and that cultural stereotypes and biases impact how AA and NHPI access health care and their health outcomes.

Questions and Discussion

Commissioner Ajay Bhutoria talked about the huge shortage of staff and nurses in hospitals and suggested easing immigration laws for workers from other countries to help with this shortage. With the issue of mental health, he suggested increasing school and college resources for young people, noting meditation, counseling, and yoga as examples. He also suggested expanding the mental health summit to more cities to talk about these issues. Commissioner Raynald Samoa noted that there is still a significant percentage of premature deaths due to chronic diseases like cancer and heart disease in AA and NHPI communities and urged the subcommittee to include that in their thinking.

Commissioner Ai-jen Poo talked about how the Inflation Reduction Act will lower the cost of prescription drugs and that the Affordable Care Act expanded access. She asked how the subcommittee can inform communities about this progress, as many feel that change is not possible.

Commissioner Smita Shah asked how the Commission can support and encourage research into chronic diseases. Commissioner Sarah Min brought up the issue of abortion and barriers to access faced by women of color, as well as lower income women. Commissioner Daniel Dae Kim added that the second leading cause of death for Asian Americans aged 15 to 34 is suicide, and it is critical to focus on that issue. While the myth is that the older generation feels like they do not belong here, in reality it is the younger generation that really struggles. He also noted that Surgeon General Vivek Murthy is an ally on this issue. Commissioner Teresita Batayola responded that over half of the deaths due to gun violence in the AA and NHPI community is because of suicide.

Commissioner Grace Huang remarked that an area of intersection is the issue of Compact of Free Association (COFA) migrants and their ability to access benefits including health and economic benefits. She encouraged both this and the Economic Equity Subcommittee to work together. Commissioner Amy Agbayani added that she and Commissioner Robert Underwood are working on a COFA recommendation. Commissioner Luisa Blue talked about the shortage of mental health therapists, especially bilingual and bicultural therapists of color. Commissioner Kerry Doi called attention to the Justice40 Initiative, a directive by the President to make sure that 40 percent of the overall benefits of certain federal investments go to disadvantaged communities. He emphasized that the subcommittee is committed to ensuring that no community gets left out.

Strategic Planning Discussion

Chief Commissioner Sonal Shah transitioned the Commission into the strategic planning session, noting the need to prioritize where to take the Commission and how to move forward with its role, as well as what the Commission wants its legacy to be. She reminded everyone that this is the first time recommendations have been submitted on a rolling basis and noted the need to

ensure their implementation and prioritization. She then outlined themes that surfaced throughout the day, including language access, connecting with communities directly, funding support for the Commission, anti-hate and working with Latinx and Black communities, and the legacy of the Commission.

Commissioner Kamal Kalsi noted that the lack of consistent staff is a challenge, inhibiting longevity and professionalism. The Commission needs permanent funding and longer-term staff to support the work.

Commissioner Ajay Bhutoria talked about considering the White House launch of the National Economic Summit to share the Commission recommendations, the White House Mental Health Summit extending beyond D.C., a National Language Access Board where all language services can be housed, the Anti-Asian Hate Summit, the AA and NHPI Data Summit, and the need to determine how to implement the recommendations within the agencies.

Commissioner Kevin Kim focused on revisiting the Commission's organizational structure. For example, data disaggregation and language access seem to be cross-cutting issues that can be embedded in other subcommittees. He offered that the Commission could have four subcommittees that dive deeply into the issues, providing more easily digestible information to be presented to the President. Commissioner Luisa Blue also talked about prioritizing the recommendations that have already been made and the need for stable staff, especially given that a lot of staff are needed for the Commission follow-up. Commissioner Robert Underwood discussed reorganizing and mentioned doing one larger event with other commissions and mentioned there are several considerations for cross-sectionality.

Commissioner Ai-jen Poo noted this Commission seems to care deeply about implementation. She emphasized the need for effective communication with the national community as well as regular and consistent engagement with impacted communities. Communities can and should feel ownership over the Commission's recommendations and potentially serve as partners. She lifted up Commissioner Sarah Min's idea about a communications and community engagement subgroup to communicate with the broader public. She noted that the Commissioners serve as liaisons between the administration and the public. Commissioner Ai-jen Poo suggested having an ethnic media briefing every time the Commission gathers to share Commission progress.

Commissioner Daniel Dae Kim noted that it would be helpful for the Commission to be more mobile so that the meetings can take place with the communities. This would emphasize that the Commission is locally minded with a grassroots approach to community engagement. He noted that implementation and what the Commission hopes to accomplish are both important. Interest was expressed in providing opportunities for Commissioners to listen in on fellow subcommittee meetings, and Chief Commissioner Sonal Shah noted that the master schedule can be shared for those interested in attending other subcommittee meetings to cross-pollinate and learn.

Commissioner Smita Shah expressed appreciation for the DFO team and the need for staff funding to deepen the administration's commitment to the community. She addressed the need for the Commission to meet with the community, but also with state and local agencies through

summits or another mechanism. This deeper engagement is important. Chief Commissioner Sonal Shah suggested that each subcommittee integrate a communications and community engagement plan instead of creating a new subcommittee.

Commissioner Teresita Batayola talked about the Data Disaggregation and Language Access Subcommittees working together to develop a series of recommendations that then get shared with the entire Commission. She suggested having DFOs from other agencies so those agencies become invested in the work of the Commission. She also remarked that six months is too short for the work and nine months to a year is more appropriate. She emphasized the critical role Commissioners play in constantly communicating what the issues are; for example, public charge is still a big issue in the community. Finally, Commissioner Teresita Batayola agreed that both the subcommittees and Commission need additional staffing.

Commissioner KaYing Yang remarked that community-centered conversations and the focus on implementation are important. The Commission needs to work in solidarity with other communities of color for long-term success. With limited time, she asked how the Commission can think about legacy.

Chief Commissioner Sonal Shah then clarified there is one year left for the Commission; it concludes on September 30, 2023.

Commissioner Ajay Bhutoria suggested bringing in young people to have their voices represented on issues like environmental justice which impact them immensely. He also noted that the Commission's work needs to be publicized through media outreach; each Commissioner has ethnic media contacts they can use. Commissioner Kerry Doi added that he was encouraged to see the younger voices and leaders in the room. He talked about viewing legacy conversations through the framework of SMART goals that are aggressive, but achievable. He suggested recommending a campaign on combating racism to the President, and also talked about the role music and the arts can play in this campaign.

Commissioner Simon Pang suggested inviting the Commissioners as part of WHIAANHPI's outreach team when Executive Director Ka'ai and others travel to bring awareness to AA and NHPI issues. Through the Regional Network meetings, WHIAANHPI has already integrated the Commissioners. Commissioner Simon Pang also noted wanting to take the United Against Hate Summit to different states.

Commissioner Raynald Samoa remarked on how difficult it is to coordinate Commissioners' schedules. He also noted the difficulty in forming partnerships if Commissioners cannot reach out to community-based organizations. He maintained that the Data Disaggregation Subcommittee may need to join with other subcommittees to be impactful. Commissioner Raynald Samoa stated that the changes in support make it hard for Commissioners to continue the work because of the onboarding time needed with a new person. Chief Commissioner Sonal Shah replied that consistency in staffing may not happen in this administration, but it is important to note for the future and is a chief Congressional legislative priority.

Commissioner Amy Agbayani remarked on the need to focus on and strengthen the communication and community engagement plan since there's only one year left.

Commissioner Kimberly Chang argued for keeping the Language Access Subcommittee separate as that body of work still needs to be fleshed out. However, Language Access Subcommittee representatives can be sent to other subcommittees to share their language access perspective. She also argued for subcommittee expansion given the limited time remaining; ex officio and non-commissioned subcommittee additions can provide subject matter expertise and writing support.

Commissioner Victoria Huynh asked how the Commission is mobilizing especially in response to urgent issues such as the pandemic, anti-Asian hate, and national disasters such as hurricanes. Commissioner Mia Ives-Rublee talked about the importance of connecting with other marginalized groups, especially on issues like policing, accountability, and security. There is not enough time to completely heal and repair, but healing and trust can be built across communities. She asked the Commission to think about how its own actions may be worsening the situation for other communities. She suggested establishing the Commission in a permanent home and creating a report and summary on the work completed and lessons learned. Commissioner Grace Huang maintained the need to engage youth to carry the work forward, invest in prevention work and connect that to healing trauma, and integrate gender and disability into the anti-Asian hate recommendations. Commissioner Kamal Kalsi supported keeping Language Access as a subcommittee. He suggested having a DFO who is a communication liaison who can be a point of contact to serve across the commission. Commissioner Ai-jen Poo suggested the commissioners visit the museum dedicated to lynching to connect their work with other aspects of racism.

Chief Commissioner Sonal Shah concluded the planning session by noting that they are seeking written public comment before the next Commission meeting in December. She asked the Commissioners to think about what they would like the public to provide feedback on ahead of that meeting. Through the Federal Register, there will also be a public comment period and Commissioners can communicate this information on their personal social media channels and within their communities using WHIAANHPI talking points.

Immigration and Citizenship Status Subcommittee

Co-Chairs: Commissioners Grace Huang and KaYing Yang

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

Ex-Officio Member: Amanda Baran, Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security (DHS)

DFO: Carol Wu

Commissioner KaYing Yang thanked Chief Commissioner Sonal Shah and noted the Immigration and Citizenship Status Subcommittee meets bi-weekly and convened eight times

since May with four presentations from subject matter experts who helped inform the recommendations. The subcommittee received presentations from the following:

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

The subcommittee is committed to exploring Compacts of Free Association, strengthening asylum processes, improving language access in immigration proceedings, universal legal representation for individuals facing removal, reducing immigration court backlogs, reducing visa wait times, community-based alternatives to immigration detention, young people aging out of USCIS applications, and protecting undocumented individuals.

The subcommittee approved two draft recommendations for deliberation. The first is for the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) to establish enforcement policies and procedures that are conducive to keeping families together and restoring dignity and which ease the hardships faced by individuals and families living with long term immigration removal orders. The second recommendation is for DHS and USCIS to establish procedures that allow for the stamping of H1B and L visas within the United States.

Commissioner KaYing Yang then shared background on the **first recommendation**. Immigration enforcement targeting all criminal convictions and prolonged immigration detention of individuals who cannot be removed from the U.S. has a detrimental effect on AA and NHPI families and communities. She explained that in 1996, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act and the Antiterrorism and Effective Death Penalty Act. These laws significantly expanded the government's ability to automatically detain and deport people by redefining the term aggravated felony to include a long list of low-level offenses and applying the term retroactively, eliminating many defenses or exceptions to deportation, creating mandatory and prolonged detention of immigrants, and creating new fast track procedures that deport people without letting them see an immigration judge. Additionally, the new laws limited judicial discretion, preventing immigration judges from being able to take into consideration the fact that someone is a long term lawful permanent resident, has U.S. citizen children, is a successful small business owner, or is rehabilitated. These laws also prevented federal courts from reviewing many immigration court decisions.

The subcommittee recommendation covers two big areas of enforcement. The first is that ICE should establish a presumption of release for individuals who can show that they are not a public safety risk, improve the check-in process or limit the usage of the institutional hearing program, and refrain from deporting anyone who has a pending appeal. The second area is that USCIS should provide longer durations of employment authorization for individuals with long term orders or supervision and who are unlikely to be removed in the next several years. The essence of these recommendations aligns with President Biden's executive order on the revision of civil immigration enforcement policies and priorities that revoked the prior administration's actions.

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

Questions and Discussion

Commissioner Kevin Kim asked if USCIS or ICE have the authority to change their policies in this way. Commissioner KaYing Yang replied that enforcement is inconsistent and every region has different guidelines. Commissioner Grace Huang explained further that the issue is the authority any law enforcement agency has over how they spend their resources; it is a matter of prosecutorial discretion as to whether or not they are going to choose to prioritize or enforce the prior orders. During the Obama administration, there was a lot of agency-wide policy around discretion. The Deferred Action for Childhood Arrivals (DACA) program is exercising prosecutorial discretion to not remove young people. In the context of these cases, the subcommittee is suggesting that the agency use its discretion and not enforce old orders.

Commissioner Kevin Kim then asked if the law allows for such a recommendation, or if the approach should be recommending a deprioritization of certain action. His concern is that the recommendation is against the letter of the law and therefore unenforceable.

Commissioner Teresita Batayola noted that when an individual is picked up by law enforcement, there is no process for the family and community to figure out where they were taken; there are instances where they might go to a local detention center and disappear into the national system. The ability to know what happens to members of the community is a critical justice issue. Commissioner KaYing Yang noted that when immigrants are checked-in and detained, they can be automatically deported, as she has witnessed happening in the Cambodian community. There are transparency and dignity issues that need to be addressed; families need to be forewarned and communities should have the opportunity to defend themselves. Commissioner Teresita Batayola

agreed and Commissioner Victoria Huynh expressed gratitude for the focus on and highlighting of Southeast Asian communities specifically.

Commissioner Kimberly Chang emphasized that the federal government has used separation of families as a way to oppress communities and when individuals are deported, it has a ripple effect and creates cycles of trauma and poverty. Commissioner KaYing Yang talked about the recommendation for ICE to inform families and community advocates when an individual is detained.

Commissioner Ajay Bhutoria shared the **second recommendation**, explaining that H1B and L visa holders cannot get stamping done in a timely manner and subsequently lose their jobs and get separated from their families. USCIS should update its policy to allow restamping in the U.S. or USCIS should consider providing advanced travel documents to these visa holders when they have to travel out of the country with expired visa stamping so that they can reenter the U.S. without needing to restamp.

Questions and Discussion

Chief Commissioner Sonal Shah noted the core issue is family separation. Commissioner Teresita Batayola noted family reunification used to be one of the objectives of immigration policy, but now the focus is on labor needs. She urged prioritizing family separation in immigration reform.

Commissioner Daniel Dae Kim asked about the difference between H1B visa and L visas. Commissioner Ajay Bhutoria clarified that with an L visa, an individual can only work for the company that sponsors them; however, with an H1B visa, it is a lottery system and an individual can change employers. Commissioner Teresita Batayola noted that there are employers who are willing to sponsor individuals, but there is a limit on the overall number of individuals who can be sponsored. Commissioner Grace Huang added H1B visa holders are skilled workers, while L visas are for intra-company transferees.

Chief Commissioner Sonal Shah asked how to make the process and approach dignified. Commissioner Ai-jen Poo elaborated on the mythology of immigrants and criminality; there is mass dehumanization of all immigrants, authorized or not. Commissioner Grace Huang talked about the need to invest in community healing from immigration policies. Commissioner Kimberly Chang noted that not enough attention is given to Compact of Free Association (COFA) migrants or on the fact that immigration status gives a person different access to systems of care and protection. She asked about the ability to facilitate non-citizen access to these systems. Commissioner Mia Ives-Rublee elevated the issue of adoptees who have limited access to their records. Many are at risk of being deported, and administrative changes may provide protection. Commissioner KaYing Yang replied that the recommendations mention adoptees in the categories that ICE could consider in who is deportable and who cannot be removed. The subcommittee is open to future recommendations about adoptees.

Commissioner Amy Agbayani noted family reunification is a value, but labor also needs to be addressed as America depends on immigrants. She urged that the recommendations be framed to emphasize immigrants as necessary for the economy and that the subcommittee examine pathways to citizenship and voter education.

Commission Discussion and Vote on the Subcommittees' Recommendations and Future Priorities

Chief Commissioner Sonal Shah presented the recommendations from each subcommittee and the Commission subsequently engaged in further discussion and clarification. The Commission then voted separately on each recommendation.

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

Actions Taken:

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to move forward the recommendation to increase reporting anti-Asian hate crime through improved language access and community town halls, including:

- Translating the Federal Bureau of Investigation (FBI) tip form into other AA and NHPI languages such as Simplified Chinese, Traditional Chinese, Vietnamese, Korean, Tagalog, Arabic, Japanese, Urdu, Punjabi, Hindi, and Pacific Islander languages. The form must also be culturally sensitive and the FBI must develop an engagement plan.
- Improving AA and NHPI language services for the FBI tip line by establishing standardized response times for phone calls or return calls to person(s) from five to ten minutes to avoid “cold feet” from the person(s) reporting the hate crime to the FBI tip line.
- Recommending that the FBI, and other federal agencies that address hate crimes, review data to determine the number of AA and NHPI interpreters needed to meet the five to ten minutes response time.
- Scheduling in-person and virtual town halls to provide engagement opportunities for members of the AA and NHPI communities, including organizations that are currently working with victims of AA and NHPI hate crimes and incidents. These public town halls enable this Commission and federal agencies that address hate crimes and incidents and collect data to hear directly from members of the AA and NHPI communities and AA and NHPI organizations. These public forums also provide opportunities for federal agencies such as the FBI, Department of Justice's Office for Civil Rights, and other pertinent agencies to share information with the community on how to file hate crimes, incidents, and complaints and to let the public know that the agencies exist to help them.
- Recommending that five cities and/or regions with the highest population of AA and NHPI communities be targeted for the in-person town halls.

- Upon the completion of the town halls, providing a written report to the Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee for review and discussion to ascertain if more recommendations are needed.

Language Access Subcommittee

Actions Taken:

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the first recommendation focused on improving federal agency accountability and transparency for language access, as amended (*italics below*):

- Strengthen the executive branch's ability to incorporate language access into operations (i.e., strengthening Executive Orders 13166 and 13985). Recommend that the Attorney General request federal agencies to recommit to Executive Order (EO) 13166 by:
 - *Immediately* designate a language access point of contact for their agency/department who will be the point person for all language access inquiries for the agency/department;
 - Revising their language access plans *that include a timeline on expectations when translations will be completed, with particular focus on emergent issues* and making them publicly available on the agency/department website, *including translations in both written and oral formats*;
 - Developing a complaint process and system for each agency/department so that stakeholder and persons with limited English proficiency (LEP) know where to ask for help and where to file complaints about the quality or provision of language assistance services; and
 - Ensuring that all recipients of federal financial assistance develop, implement, and operationalize language access plans or policies and create a public complaint/accountability system so that LEP beneficiaries have meaningful access to federally-funded programs.
- The Commission is particularly interested in language access action by the following federal agencies which have extensive interactions with LEP individuals through their federally-conducted or federally-assisted work: Department of Commerce (DOC), Department of Education (DOE), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), Small Business Administration (SBA).

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the second recommendation focused on funding language resources, as amended (*italics below*):

- The Office on Management and Budget (OMB) should immediately issue additional guidance/memorandum/circular/communication directing all agencies to allocate funding

toward increasing language access resources as they develop their fiscal year 2023 (FY23) budgets.

- The OMB should instruct their internal budget examiners to look for language access priorities reflected within the submitted budgets for FY23.
- Going forward, beginning with their budget building process in FY24, OMB should provide guidance directing agencies to include funding to implement language equity and equity initiatives in agency budgeting plans, including for agency components that provide federal funding to provide guidance on inclusion of language access plans and budgeting for language services.
- *The OMB should complete a full evaluation of all executive departments and agencies of the cost to provide translations of the top 12 languages spoken in the US by the end of 2023.*
- *The President's budget should include funds for translation services in all executive departments and agencies. The budget should fund translation services at a minimum of 70 percent of OMB's estimate by FY 2025, and at 100 percent by 2030.*

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the third recommendation focused on language access in U.S. Citizenship and Immigration Services materials (USCIS), as amended (*italics below*):

- Expand dissemination of USCIS information in multiple languages and increase AA and NHPI community outreach.
 - It is recommended that USCIS expand its multilingual outreach in AA and NHPI languages and collaborate with community-based organizations (CBO) in AA and NHPI languages. In addition, *USCIS should direct its community relations offices in each field office and national benefit centers to develop an outreach plan to reach AA and NHPI communities in their service areas and to develop a language access plan to ensure its community engagement activities are accessible to those communities by the end of 2023.*
 - USCIS should translate information about the Disability Waiver Process and the English language exemptions allowing for the AA and NHPI language test for naturalization and citizenship for seniors and elders who have very limited capacity to learn English, and partner with CBOs to disseminate this information.
 - It is recommended USCIS update its website with translated digital content, public information in multiple languages around visa rules changes, green card applications and rules, and the naturalization test. USCIS has a very limited number of translated documents. USCIS needs to expand this service with more content in multiple AA and NHPI languages.

Data Disaggregation Subcommittee

The Commission discussed the suggested amendment adding communities with oral language traditions to the recommendation specifying that the Office of Management and Budget (OMB) change their minimum data collection standards for federal surveys to include guidelines for data on smaller populations. The Commission decided they need more time to intentionally flesh out

that amendment so as not to create unintended harm. There was consensus to explicitly add AA and NHPI language in the current recommendation and to come to December's Commission meeting with a specific recommendation on how data is to be collected.

Actions Taken:

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the following recommendations, as amended (italics below):

- Recommend that the Office of Management and Budget (OMB) amend the minimum data collection standards for race to include guideline recommendations to collect, analyze, and report data on smaller populations, *such as AA and NHPIs*, for federal surveys to fulfill its mission to produce trustworthy, equitable, relevant, and accurate data on the status of health, education, labor, employment, housing, immigration, economy, and other vital indicators for all communities in our nation, including AA and NHPIs.
- Recommend OMB partner with the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) to convene an annual AA and NHPI Data Summit that focusses on federal agencies sharing their best practices in producing meaningful disaggregated data on AA and NHPIs with an aim to engage communities to optimize their engagement with data.

Economic Equity Subcommittee

Actions Taken:

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the first recommendation focused on increasing AA and NHPI representation in the federal workforce, as amended (italics below):

- This recommendation seeks all federal agencies to increase AA and NHPI representation in the federal government at all levels, *including career, political, and Senate confirmed positions*, strengthening the pipeline for AA and NHPI workforce to enter and advance up the ranks, and remove the barriers to hiring of AA and NHPI candidates via targeted AA and NHPI recruitment drives and outreach within AA and NHPI communities for all open/vacant positions.

While the language of the second recommendation was being amended, the Commission voted unanimously to adopt the third recommendation focused on advancing priorities for AA and NHPI workers in low-wage jobs and care workers, as amended (italics below):

- Recommendation to advance strategies that ensure a strong direct care workforce to meet the rapidly growing demand for long-term services and supports (LTSS). *Specifically, HHS should require states to assess the wage levels necessary to attract a stable workforce and to ensure that the payment of LTSS services (which essentially is a worker's wages) can support these wage levels and other costs to strengthen the Home Care and Community based services across the country.*

- Recommendation to protect Asian *and Pacific Islander* immigrant workers exercising their civil and workplace rights while advancing economic security, opportunity, and equity.
- Recommendation to direct the Department of Labor to convene a domestic work advisory board to improve job quality for domestic workers.

The Commission addressed the second recommendation focused on the federal marketplace and small business suppliers. The Commission took up the following recommendation with amendments (*italicized*):

- *The U.S. Small Business Administration should increase the number of new minority-owned entrants to the federal marketplace, with the goal of achieving 2-4 percent of annual contracts awarded to new minority-owned enterprises. This will help address the decline in the small business supplier base. SBA should also take a series of actions to increase their partnership and outreach to the AA and NHPI community, including with Small Business Development Centers.*

The Commission discussed that the noted percentage increase may create problems and additional time is needed to include language that accurately captures a measurable but nonlimiting milestone for increases in minority-owned businesses. The Commission unanimously approved, with Commissioners Michelle Kaʻuhane and Naheed Qureshi recused, to table this recommendation until the December Commission meeting.

Immigration and Citizenship Status Subcommittee

Actions Taken:

The Commission voted unanimously, with Commissioners Michelle Kaʻuhane and Naheed Qureshi recused, to adopt the first recommendation focused on immigration enforcement, as amended (*italics below*):

- *ICE should exercise its authority to release individuals from detention, or decline to detain, those who are able to demonstrate that they do not pose a risk to public safety, including those with criminal convictions that are five years old or older.*
- *For families of individuals who are detained, ICE should have a clear process that informs family members, counsel, and/or advocacy organizations about the detained person's whereabouts and case status.*
- *ICE should reduce the burden on AA and NHPIs subject to supervision by adopting the following procedures to ensure their processes center dignity with the ultimate goal of reuniting families:*
 - Make the check-in process more accessible. ICE should keep the ability for phone check-ins, especially for people who have been on an order of supervision for some time and allow the periods of check-ins to be longer than one year.

- ICE should also refrain from acting to remove, detain, or arrest anyone with a pending appeal, motion to reopen before either an immigration judge, Board of Immigration Appeals, or federal court.
 - For countries with known difficulties in receiving people removed from the United States (i.e. Laos, Myanmar), ICE can and should work on getting travel documents BEFORE initiating the removal process.
 - In deciding whether to exercise prosecutorial discretion, ICE should consider an individual's admission to the United States because they were adopted by U.S. citizens or lawful permanent residents to be a positive factor (equity) or a mitigating circumstance weighing against removal orders.
 - Currently, there is no uniform guidance about enforcement priorities due to pending litigation. In addition, existing guidance relating to prosecutorial discretion fails to mention consideration of situations where individuals cannot be deported to countries that will not accept ICE removals (such as Laos or Myanmar) or people who are stateless. Executing removal and/or detention decisions in these situations in an unproductive use of resources and creates hardship for families of individuals with immigration removal orders. ICE can and should consider whether a person would likely be physically removed if they were ordered deported before deciding to start the process, especially when it comes to detention decisions.
- USCIS should provide longer durations of Employment Authorization for individuals with long term orders of supervision and who are unlikely to be removed in the next several years. USCIS should allow for Employment Authorization Documents (Form I-765/EAD) to be valid for a minimum of two or three years. In addition to reducing the burden on the EAD holders, allowing for longer term EADs will help reduce USCIS application backlogs.
 - ICE should end or severely limit the Institutional Hearing Program (IHP), a program designed to expedite the deportation of people who are currently serving a criminal sentence. The IHP process unfairly results in people being deported without a meaningful way for them to participate in defending against removal, as it severely limits access to legal assistance or the means or time to build their legal cases.
 - ICE should refrain from deporting people who have pending appeals, motions to reopen, or motions to reconsider. A person who is ordered deported by the immigration court or the Board of Immigration Appeals (BIA) can still ask the Executive Office for Immigration Review (EOIR) to reopen or reconsider their case or appeal the removal order to federal court. However, the removal order becomes “final” following the expiration of appeal deadlines within EOIR, and ICE is able to deport people even if they have pending federal court appeals. This means that if the person wants to stay in the U.S. while the motions or appeals are being decided (which can take months) they need to file a motion to “stay” (pause) the removal order with the federal courts. Some courts regularly grant these stays (e.g., 9th Circuit) while others like the 8th Circuit can be very tough to get a stay. But even if a person is deported, the person can later win their appeal

and the processes to bring them back from the country of deportation can be involved, messy, and unclear. The administration should institute a policy where they do not execute a removal order if an appeal is filed with the federal court or if there is a pending motion to reopen or reconsider. This can be especially important when a person is trying to seek protection from persecution, torture, or death. At the very least, there should be clear guidelines that direct the agency on how to decide which people they should wait for.

The Commission voted unanimously, with Commissioners Michelle Ka'uhane and Naheed Qureshi recused, to adopt the second recommendation focused on H1B and L1 visa stamping:

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

Chief Commissioner Sonal Shah summarized that all recommendations had been approved, and one recommendation was tabled for the December meeting.

Meeting Summary and Next Steps

Chief Commissioner Sonal Shah thanked the Commissioners for the tremendous work and care they put in leading up to and throughout the day, and then summarized the multiple issues discussed during the meeting. She noted the particular focus on communication and community engagement and recommended that each subcommittee think about how to fold this into the work they do, especially entering the final year of the Commission. She also acknowledged suggestions about possibly integrating the Language Access and Data Disaggregation Subcommittees and recommended against implementing that change, though subcommittee members can attend and participate in either or both. Commissioners Amy Agbayani and Robert Underwood will work on Compact of Free Association (COFA) recommendations, and Chief Commissioner Sonal Shah noted the importance of including Pacific Islander and Native Hawaiian specific recommendations in each subcommittee's work. She also emphasized that consistent staffing and support of the Commission will be a priority and may be a recommendation passed on to the next Commission. Chief Commissioner Sonal Shah urged the Commissioners to think about ways to center young people's voices, including in the upcoming December public comment period. Finally, she encouraged the Commissioners to reflect on the legacy of each subcommittee and of the Commission generally in the coming months.

Chief Commissioner Sonal Shah then thanked the Commissioners, Executive Director Krystal Ka'ai, Carol Wu, all Designated Federal Officers, Rebecca Lee, Emmeline Ochiai, and Erika Moritsugu.

Meeting adjourned.

In Attendance:

Dr. Amy Agbayani

Teresita Batayola

Secretary Xavier Becerra

Ajay Bhutoria

Luisa Blue

Dr. Kimberly Chang

Courtney Chappell

Emily Chen

Grace Choi

Hari Chon

Kerry Doi

Min Guo

Grace Huang

Victoria Huynh

Maysee Jacobs

Mia Ives-Ruble

Krystal Ka'ai

Dr. Kamal Kalsi

Michelle Ka'uhane (virtually)

Daniel Dae Kim

Kevin D. Kim

Rebecca Lee

Sarah Min

Erika L. Moritsugu

Emmeline Ochiai

Simon Pang

Ai-jen Poo

Dr. Raynald Samoa

Smita N. Shah

Sonal Shah

Robert A. Underwood

Hanako Wakatsuki-Chong

Carol Wu

KaYing Yang