



**President's Advisory  
Commission on Asian  
Americans, Native Hawaiians,  
and Pacific Islanders Inaugural  
Report with Recommendations,  
May 2022**



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# Introduction

On May 28, 2021, President Biden signed Executive Order (EO) 14031 establishing the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (the Commission) within the U.S. Department of Health and Human Services (HHS). The Commission, co-chaired by HHS Secretary Xavier Becerra and U.S. Trade Representative Ambassador Katherine Tai, advises the President on ways the public, private, and non-profit sectors can work together to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities.

The 25-member Commission consists of leaders appointed by the President who reflect the rich diversity of AA and NHPI communities throughout the United States. During the Commission's inaugural meeting on February 3-4, 2022, the Commissioners formed six subcommittees to advance equity, justice, and opportunity for AA and NHPI communities in accordance with EO 14031:

1. Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee
2. Health Equity Subcommittee
3. Immigration and Citizenship Status Subcommittee
4. Language Access Subcommittee
5. Data Disaggregation Subcommittee
6. Economic Equity Subcommittee

Between February 2022 and May 2022, the six subcommittees met regularly to gather information and develop recommendations for presentation to the full Commission on May 12, 2022. This document includes meeting summaries and final recommendations for all six subcommittees that were approved by the full Commission in May.



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

## Subcommittee Membership:

- **Co-Chairs:** Luisa Blue and Dr. Kamal Kalsi
- **Members:** Emily Chen, Grace Huang, Daniel Dae Kim, Naheed Qureshi, Smita Shah, Dr. Robert Underwood
- **Designated Federal Officer:** Phoebe Canagarajah

## Summary of Meetings and Presentations:

The Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met on March 8, March 22, April 5, April 19, April 29, and May 3, 2022. The subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Kent Wong, Director, UCLA Labor Center:** Provided an overview on the history of anti-Asian discrimination, particularly in labor.
- **Hayne Yoon, Senior Policy Advisor, Office of Justice Programs (OJP), U.S. Department of Justice:** Provided an overview of OJP's grants related to addressing and reporting hate crimes.
- **Amy C. Blasher, Acting Section Chief, Global Law Enforcement Support Section, Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division, U.S. Department of Justice:** Presented an overview concerning the FBI's Uniform Crime Reporting Program, the National Incident-Based Reporting System, and hate crimes reporting and training to law enforcement.
- **Eric Fanning, former Secretary of the Army, U.S. Department of Defense:** Presented an overview concerning religious discrimination and wearing articles of faith in the military.
- **Michael Lieberman, Senior Policy Counsel, Southern Poverty Law Center (SPLC):** Presented an overview on barriers to improving hate crimes reporting within government and law enforcement.



## Summary of Recommendations:

The Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee approved the following three recommendations at the May 12, 2022, full Commission meeting:

- **Recommendation:** The Department of Justice condition federal funding administered by the agency on credible law enforcement participation in the FBI's Hate Crime Statistics Act hate crimes data collection and reporting program.
- **Recommendation:** All branches of the U.S. military adopt a standardized uniform policy that presumptively allows for religious articles of faith.
- **Recommendation:** The Commission engages in public-private partnerships to help build a series of public service announcements (PSAs) that address anti-Asian hate crimes and promote inclusion and belonging of Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities.



## Recommendation: Federal Funding Conditions

The Department of Justice (DOJ) should condition federal funding administered by the agency on credible law enforcement participation in the FBI's Hate Crime Statistics Act (HCSA) hate crime data collection and reporting program. Jurisdictions with over 100,000 residents who either fail to report, report “zero” to the FBI, or otherwise report incomplete or not credible data to the FBI shall be notified that any grant applications submitted to the agency will be on hold until DOJ receives a response in writing providing an explanation for the failure to report credible HCSA data. Alternatively, these agencies can qualify for DOJ funding upon the demonstration of significant community hate crime public education and awareness initiatives, including the adoption of internal agency policy and procedures to improve hate crime reporting, prevention, and response. Working with stakeholders and community-based organizations, DOJ shall create guidance regarding what will constitute credible data and/or significant community hate crimes initiatives.

### Background:

According to FBI statistics, hate crimes against Asians rose 77% in 2020.<sup>1</sup> Understanding the big picture regarding the challenges involved with hate crimes reporting is best described in the Southern Poverty Law Center (SPLC) report *The January 6 Insurrection and the Path Forward to Strengthen Our Democracy Now*:

“The FBI’s annual Hate Crime Statistics Act (HCSA) report is the best snapshot of hate violence in the United States, but data received from the 18,500 federal, state, local and tribal law enforcement agencies is vastly underreported – in part because reporting is entirely voluntary. In 2020, 87% of police agencies across the nation either affirmatively reported that they had zero hate crimes or they did not report any data to the FBI at all, including some 70 cities over 100,000 in population.”<sup>2</sup>

As recently as 2021, Congress reaffirmed the need for a more complete understanding of the national problem of hate crimes and passed the Jabara-Heyer NO HATE Act as part of the COVID-19 Hate Crimes Act.<sup>3</sup> The Jabara-Heyer NO HATE Act authorizes federal funding to strengthen the capacity of state and local law enforcement agencies to identify and report hate crimes in order to address incomplete data collection and reporting from federal, state, and local jurisdictions.



## Resources:

- Southern Poverty Law Center Action Fund Letter to U.S. Senate Judiciary Committee for submission on March 8, 2022 hearing on “Combating the Rise in Hate Crime”  
([https://www.splcactionfund.org/sites/default/files/SPLC\\_Action\\_Senate\\_Judiciary\\_Committee\\_hearings\\_Combatting\\_Rise\\_Hate\\_Crime.pdf](https://www.splcactionfund.org/sites/default/files/SPLC_Action_Senate_Judiciary_Committee_hearings_Combatting_Rise_Hate_Crime.pdf))
- The FBI Crime Data Explorer (<https://crime-data-explorer.fr.cloud.gov/pages/home>)
- Stop AAPI Hate National Report, March 19, 2020 – December 31, 2021  
(<https://stopaapihate.org/wp-content/uploads/2022/03/22-SAH-NationalReport-3.1.22-v9.pdf>)
- Asian Americans Advancing Justice (<https://www.standagainsthatred.org/>)
- The FBI Crime Data Explorer on Hate Crime Statistics in 2020  
(<https://crime-data-explorer.fr.cloud.gov/pages/explorer/crime/hate-crime>)



## Recommendation: Religious Freedom in the Military

All branches of the U.S. military should adopt a standardized uniform policy that presumptively allows for religious articles of faith, such as turbans, beards, hijabs, and yarmulkes.

### Background:

Sikhs, Muslims, Hindus, and other religious minorities from Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities have served honorably in our nation's military for over a hundred years. The Free Exercise Clause of the First Amendment to the United States Constitution establishes that individuals, including service members, have the right to observe the tenets of their faith or to observe no religion at all.<sup>4</sup> In addition, the Department of Defense (DOD), one of the largest employers in the world,<sup>5</sup> set forth a policy accommodating individual expressions of sincerely held beliefs "which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety."<sup>6</sup>

Yet, religious articles of faith, such as turbans, beards, hijabs, and yarmulkes were banned from the U.S. military's uniform guidelines in 1981.<sup>7</sup> The U.S. Army and Air Force changed their uniform policies in 2017 and 2020, respectively, to presumptively allow these articles of faith.<sup>8</sup> Now, hundreds of service members currently serve in the U.S. Army and Air Force with their articles of faith. But the U.S. Navy and Marines have provided limited religious accommodations to service members and, as a result, force them to violate their religious practice to serve their nation.<sup>9</sup> The process and policy for religious accommodations is inconsistent between the different branches of the military.

Structural discrimination on the basis of religion is inconsistent with our values as a nation and established legal precedent. The Religious Freedom Restoration Act (RFRA) "prohibits any agency, department, or official of the United States or any State (the government) from substantially burdening a person's exercise of religion even if the burden results from a rule of general applicability."<sup>10</sup>

### Rationale:

The Army and the Air Force have successfully integrated religious articles of faith from minority faith groups. In recent years, tens of thousands of soldiers have been granted medical waivers that allow the growth of beards.<sup>11</sup> Special forces soldiers have been known to maintain relaxed grooming standards during their deployments overseas. Prior to the 1981 prohibition of religious articles of faith, religious minorities served honorably with their turbans, beards, hijabs, and yarmulkes. Arguments that focus on uniformity, unit cohesion, and esprit de corps were once used to keep women, African



Americans, and Asians out of the military.<sup>12</sup> In sum, such arguments have a destructive influence on diversity, equity, and inclusion. The recommendation put forth by the subcommittee will help improve diversity, equity, and inclusion of AA and NHPI soldiers serving in the U.S. military and would help send a clear message to agencies nationwide that our government supports and values religious minorities.

**Proposed Approach for Implementation:**

The subcommittee proposes a 30-day public commentary period, which can be used to query the public, DOD, and interested government agencies on the best approach for implementation.

**Timeline:**

The subcommittee proposes a 90-day timeline for implementation of changes following public commentary.



## **Recommendation: Public-Private Partnerships to Address Anti-Asian Hate**

The Commission would like to engage in public-private partnerships to help build a series of public service announcements (PSAs) to address anti-Asian hate crimes. Despite meaningful strides to deter and respond to anti-Asian hate crimes and incidents, they continue to occur at an alarming rate with increasing violence, especially against women.<sup>13</sup> Educating others about AA and NHPIs and promoting the culture, rich heritage, diversity, and contributions of AA and NHPI communities will help dispel bias, prejudice, and hate.

The Commission will identify individuals in the administration and corporate partners with whom to collaborate. Pairing admired officials from the administration in PSAs with high profile leaders and influencers from industries such as sports, entertainment, media, technology, finance, and real estate will bring the anti-Asian hate issue to the forefront and increase advocacy and coalition building. High profile leaders and influencers bring reach, expertise, resources, and technology that will make a meaningful impact on messaging and awareness. Showcasing the PSAs at optimal times to garner national attention, such as during Asian American, Native Hawaiian, and Pacific Islander Heritage Month or around highly visible sporting events, increases visibility of the message. Creating a series of PSAs will require ongoing collaboration with various partners.

### **Background:**

In March 2022, the American Public Health Association (APHA) published findings from a national online survey which concluded that all racial and ethnic minorities were more likely than white adults to experience COVID-19 related discrimination, with Asian and American Indian/Alaska Native adults most likely to experience these incidents.<sup>14</sup> The authors of the survey went on to highlight that limited English proficiency, lower education, lower income, and geographical location increased the prevalence of discrimination. The survey concluded that COVID-19 related discrimination is common, and that the pandemic has exacerbated preexisting resentment against racial and ethnic minorities and marginalized communities. The authors noted that historically, infectious disease outbreaks have often been accompanied by discrimination, stigma, and xenophobia and that this is one reason why there must be care and intention in how these diseases are named and discussed in the media. Accordingly, the authors explained that this is why both the World Health Organization and the Centers for Disease Control and Prevention created guidelines against attaching locations or ethnicity to a disease to minimize discrimination and backlash against members (and perceived members) of the identified community. The authors noted that, despite these recommendations, some public officials in the United



States repeatedly referred to COVID-19 as the “Chinese virus” or “Wuhan virus” instead of COVID-19, and reports of racist and xenophobic incidents directed toward those perceived to be Chinese or of Asian descent subsequently increased.

In addition to the APHA report, a separate report by the National Asian Pacific American Women’s Forum (NAPAWF) confirmed that hate incidents against Asian Americans, Native Hawaiians, and Pacific Islanders rose sharply since the beginning of the COVID-19 pandemic.<sup>15</sup> The report found that AA and NHPI women face a disproportionate burden with 62% of all national hate incidents reported by AA and NHPI women. In addition, the authors noted that nearly three out of four (74%) AA and NHPI women reported experiencing racism and/or discrimination over the past 12 months, with more than half (53%) reporting a stranger or someone they didn’t know as the perpetrator. Almost half (47%) of the reported incidents took place in public, such as restaurants and shopping centers. Respondents also reported encountering incidents in familiar places where safety may be less of a concern including schools, healthcare facilities, workplaces, places of worship, and even their own neighborhoods. In a sobering reflection of the current state of safety for AA and NHPI women, the NAPAWF report found that 71% of respondents reported feeling anxious or stressed due to fear of discrimination, harassment, or violence.



## Health Equity Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Teresita Batayola, Kerry Doi, Mia Ives-Rublee
- **Members:** Victoria Huynh, Dr. Kimberly Chang, Michelle Ka'uhane
- **Non-Commission Member:** Dr. Quyen Ngo-Metzger
- **Designated Federal Officer:** Dr. Lanlan Xu

### Summary of Meetings and Presentations:

The Health Equity Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met on March 2, March 24, April 7, April 21, May 2, and May 5, 2022. The subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Trina Dutta, Senior Advisor, Substance Abuse and Mental Health Services Administration (SAMHSA):** Provided an overview of SAMHSA's mission, structure, and resources and shared data on mental illness and mental health service use by race/ethnicity. Also discussed resources including the National Network to Eliminate Disparities in Behavioral Health, culturally and linguistically appropriate services, and tools to seek crisis counseling and behavioral health treatment and services.
- **Laura Ebbert, Senior Advisor for Regional Administration, U.S. Environmental Protection Agency (EPA), Region 9:** Provided a briefing on EPA's response to the Red Hill Bulk Fuel Storage Facility leak in Hawai'i, including actions taken by EPA, the Hawai'i State Department of Health, the U.S. Department of Defense, and other cooperating agencies.
- **Dr. Diana Felton, State Toxicologist, Hawai'i State Department of Health and Katie Arita-Chang, Acting Communications Director, Hawai'i State Department of Health:** Provided a briefing on the Red Hill Bulk Fuel Storage Facility in Hawai'i and the history of its 2021 well contamination incident, the status and health impacts of contamination in the drinking water system, and plans for remediation moving forward.
- **Dr. Anne Saw, Past Vice President, Asian American Psychological Association and Associate Professor, DePaul University:** Presented data from the Asian American Needs Assessment Survey, including data on



the rise in psychological distress during the COVID-19 pandemic disaggregated by race/ethnicity, the impact of anti-Asian racism during COVID-19 and its relation to health and mental health challenges, as well as policy recommendations to support AA and NHPI mental health.

### Summary of Recommendation:

The Health Equity Subcommittee approved one recommendation at the May 12, 2022 full Commission meeting:

- **Recommendation:** The Department of Health and Human Services (HHS), in coordination with the White House Office of Public Engagement (OPE) and Commission, host a mental health summit focusing on Asian American, Native Hawaiian, and Pacific Islander mental health.



## **Recommendation: AA and NHPI Mental Health Summit**

During the State of the Union address, President Biden made it clear that addressing mental health issues is a key priority of his Unity Agenda.<sup>16</sup> Thus, the Commission recommends that the Department of Health and Human Services (HHS), in coordination with the White House Office of Public Engagement (OPE) and Commission, host a mental health summit focusing on Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) mental health. This two-day summit would bring together mental health practitioners, advocacy organizations, individuals with mental health disabilities, and leadership and representation from key federal agencies to discuss ways to improve access to mental health services for AA and NHPI communities. The summit would provide an opportunity for the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) to better understand the practical issues AA and NHPI communities face in obtaining mental health resources and the policy priorities that need to be enacted to reduce barriers to receiving treatment. It is highly suggested that the summit take place in a location with high concentrations of AA and NHPI communities, such as California, New York, or Hawai'i.

### **Background:**

The wave of highly reported cases of anti-Asian sentiment and hate crimes have brought Asian American mental health into the spotlight with concerns related to increased depression, anxiety, stress, and physical symptoms.<sup>17</sup> While current statistics show that Asian Americans, Native Hawaiians, and Pacific Islanders report mental health issues at lower rates than other minority groups,<sup>18</sup> digging deeper into the data shows the complexities of the situation. Fifteen percent of people who identify as either Asian American or Pacific Islander reported having mental health symptoms,<sup>19</sup> with Vietnamese and NHPI groups experiencing higher rates of mental distress than other Asian American groups.<sup>20</sup> At the same time, AA and NHPIs have the lowest rates of seeking mental health treatment.<sup>21</sup> Seventy seven percent of Asians surveyed had difficulty opening up about their mood disorder to others compared to 69% of white individuals,<sup>22</sup> indicating that researchers may not be getting the full picture of how many AA and NHPIs actually experience negative mental health symptoms. Research currently shows that barriers to receiving mental health treatment include cultural stigma, language barriers, insufficient health insurance coverage, and lack of culturally competent care.<sup>23</sup>



## Rationale:

To understand the broader issues around AA and NHPI mental health, the Commission should bring key players to the table to discuss various policy changes that could reduce barriers to accessing information, resources, and services. While there have been statewide events on Asian American mental health,<sup>24</sup> national conferences on mental health,<sup>25</sup> and national summits on Asian American health,<sup>26</sup> there have been very few national summits or conferences solely focused on AA and NHPI mental health and none hosted by the White House or HHS. The subcommittee feels that this two-day summit would provide the needed input to produce detailed recommendations to the President.

## Proposed Approach for Implementation:

The subcommittee recommends that Secretary Xavier Becerra utilize his National Tour to Strengthen Mental Health<sup>27</sup> to meet with AA and NHPI community and mental health organizations. This will help build a list of invitees and develop areas of focus for the AA and NHPI mental health summit. These focus areas could include cultural and linguistic competency, addressing stigma within AA and NHPI communities, alternative models to community protection and healing, the model minority myth and economic stress, and data disaggregation and research. Once OPE and HHS develop focus areas and an invitee list, HHS staff can decide on a location and set the date of the summit. HHS can invite organizations and experts around the country to submit discussion topics for roundtables and panels. After the event, the subcommittee will utilize the information gathered to develop a set of AA and NHPI mental health recommendations.

## Proposed Timeline:

- May 2022: Commission approves the recommendation at the full Commission meeting.
- May through end of tour: Secretary Becerra utilizes his mental health tour to meet with AA and NHPI community and mental health groups to help develop focus areas for the summit. OPE, HHS, and the subcommittee develop a list of invitees for the summit.
- HHS prioritizes AA and NHPI mental health in its agency activities (e.g., Centers for Medicare and Medicaid Services, Substance Abuse and Mental Health Services, National Institutes of Health, Health Resources and Services Administration, Office of Minority Health, Administration for Children and Families), based on the Secretary's listening tour.



- August through September 2022: White House and HHS announce summit and send out invitations.
- October through November 2022: Host summit.

### Resources:

- Asian American/Pacific Islander Communities and Mental Health Factsheet (<https://www.mhanational.org/issues/asian-american-pacific-islander-communities-and-mental-health>)
- National Alliance on Mental Illness: Asian Americans and Pacific Islanders (<https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/Asian-American-and-Pacific-Islander>)
- American Psychiatric Association: Mental Health Facts for Asian Americans/Pacific Islanders (<https://www.psychiatry.org/File%20Library/Psychiatrists/Cultural-Competency/Mental-Health-Disparities/Mental-Health-Facts-for-Asian-Americans-Pacific-Islanders.pdf>)
- Stop AAPI Hate Mental Health Report (<https://stopaapihate.org/wp-content/uploads/2021/05/Stop-AAPI-Hate-Mental-Health-Report-210527.pdf>)
- Asian-American and Pacific Islander Mental Health: Report from a NAMI Listening Session (<https://www.blackradionetwork.com/images/userfiles/AsianDepression.pdf>)
- Improving Asian American Health During the Syndemic of COVID-19 and Racism ([https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370\(22\)00043-8/fulltext](https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(22)00043-8/fulltext))



## Immigration and Citizenship Status Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Grace Huang, KaYing Yang
- **Members:** Ajay Bhutoria, Simon Pang, Dr. Amy Agbayani, 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)
- **Designated Federal Officer:** Phoebe Canagarajah

### Summary of Meetings and Presentations:

The Immigration and Citizenship Status Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met on March 4, March 25, April 8, April 22, and May 3, and May 6, 2022.

The subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Quyen Dinh, Executive Director, Southeast Asia Resource Action Center (SEARAC) and Nancy Nguyen, National Campaign Director, Southeast Asian Freedom Network:** Provided an overview about Southeast Asian deportations.
- **Amanda Baran, Chief of Office of Policy and Strategy USCIS, DHS, and Doug Rand, Senior Advisor to the Director, USCIS, DHS:** Provided an overview of USCIS' immigration visa backlogs.
- **Julie M. Stufft, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State:** Provided an overview on the reopening of consulates for visa processing and discussed the family-based visa backlogs.



## Summary of Recommendations:

The Immigration and Citizenship Status Subcommittee approved three recommendations at the May 12, 2022 full Commission meeting:

- **Recommendation:** The Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) reduce the backlog of immigration visas by expanding staffing and modernizing processes to reduce wait times, expanding premium processing services, providing automatic work permit renewals, securing funding, and more quickly processing work permits, travel documents, temporary status extensions, and other immigration applications. The targeted goal for applications to be processed is six months unless there is a query or question by USCIS. If there is a query or more information is needed, USCIS and the Department of State (DOS) shall continue to process the applications outside the six-month goal and adjudicate decisions in a timely fashion. If an application is not completed in six months, then it will not be terminated and will continue to be processed in a timely fashion ongoing.
- **Recommendation:** DHS USCIS and DOS reduce internal processing times for family green card applications.
- **Recommendation:** DHS and DOS issue new public charge policies that support Asian American and Pacific Islander immigrant families accessing health and well-being supports, and partner with other federal agencies and community organizations to engage in outreach to Asian American and Pacific Islander communities about these changes. The rule should reiterate that a public charge assessment be determined by evaluating the totality of circumstances and should also specify that no single factor is dispositive.



## Recommendation: Measures to Reduce Immigration Backlog

USCIS should reduce the backlog of immigration visas by expanding staffing and modernizing processes to reduce wait times, expanding premium processing services, providing automatic work permit renewals, securing funding, and more quickly processing work permits, travel documents, temporary status extensions, and other immigration applications. The targeted goal for applications to be processed is six months unless there is a query or question by USCIS. If there is a query or more information is needed, USCIS and the Department of State (DOS) shall continue to process the applications outside the six-month goal and adjudicate decisions in a timely fashion. If an application is not completed in six months, then it will not be terminated and will continue to be processed in a timely fashion ongoing.

### Background:

Case backlogs and processing delays harm people who depend on work authorization, adjustment of status, naturalization, asylum, and other immigration benefits. Months-long or years-long legal limbo can lead to Asian American and Pacific Islander applicants and petitioners experiencing severe economic hardship, loss of employment, job opportunities and their livelihoods, or deprivation of driver's licenses or identification. The backlogs leave individuals in a state of uncertainty for extended periods of time, significantly impacting their lives and that of their families, employers, and communities. For non-citizen crime victims, the over five-year delays<sup>28</sup> for their applications to be processed before they receive work authorization may force them to rely on an abusive partner in order to survive or leave them more vulnerable to human trafficking.<sup>29</sup>

Individuals stuck waiting abroad for DOS interviews remain separated from their families in the U.S., often missing employment opportunities or educational enrollment deadlines. The delays in processing work authorization documents have resulted in the loss of employment or extensive hardship for newly applying individuals who are unable to work lawfully, even as the U.S. is facing a high demand for workers. Those waiting in the immigration court backlog face long delays obtaining resolution, including those seeking protections for vulnerable populations.<sup>30</sup>

The impact of the COVID-19 pandemic on USCIS, DOS, and immigration courts, where removal proceedings are decided, has exacerbated longstanding case backlogs and delays.

### *USCIS Backlogs and Delays*

USCIS cancelled roughly 280,000 interviews at the start of the COVID-19 pandemic, devastating applicants and petitioners whose interviews, biometrics appointments, and



oath ceremonies were suddenly cancelled. USCIS field offices gradually reopened at limited capacity – with reduced services and fewer staff – starting in June 2020. As a result, backlogs and processing times grew enormously throughout the course of the year. According to the 2021 Annual Report of the USCIS Ombudsman<sup>31</sup> as of FY 2022, USCIS experienced backlogs of applications and petitions “at record levels,” and drastically reduced “customer service functions.” Even after reopening, USCIS lacked the staff to reschedule all of the cancelled interviews in a timely fashion because application support centers were operating at 65% or 70% capacity at best. As a result, the USCIS backlog surged from 5.7 million applications at the end of FY 2019 to about 9.5 million in February 2022.<sup>32</sup>

Even before the onset of the COVID-19 pandemic, USCIS caseload backlogs were growing, further hampered by funding constraints and policy changes requiring increased processing capacity. For over 30 years, Congress has required that the costs of adjudicating immigration applications be funded by applicants’ fees.<sup>33</sup> However, certain applicants, such as those applying for humanitarian protections (e.g., crime victims, abused and neglected youth, refugees, and asylees) are exempt from paying USCIS application fees.

The cost of administering these programs, as well as the increased workloads from emerging programs such as the Deferred Action for Childhood Arrivals (DACA) program or Temporary Protected Status (TPS) and the accompanying demand for employment authorization documents (EADs),<sup>34</sup> has resulted in costs exceeding the amount of funds collected through fees, limiting USCIS’ ability to increase staffing to respond to the backlog. In addition, policies crafted between 2017-2019 made immigration application forms longer, subjected an increased number of applicants to in-person interviews, generated more requests for additional evidence, and increased the level of scrutiny of renewal applications, thereby increasing the resources and staff time spent on each application.

### *State Department Backlogs*

At DOS, wait times for in-person consular interviews for immigrant visas rose to a high of 532,000 in July 2021, up from an average of 60,900 in 2019.<sup>35</sup> While DOS has historically had smaller backlogs than USCIS, it was also significantly impacted by the COVID-19 pandemic. U.S. consulates and embassies halted visa processing in March 2020<sup>36</sup> and only began to slowly reopen in July 2020.<sup>37</sup> For example, in 2019, an average of 60,900 immigrant visa applicants were waiting for in-person consular interviews; in July of 2021, that total increased to nearly 532,000 people. This caseload growth can be attributed in large part to office closures and social distancing measures.<sup>38</sup>



However, even after reopening, many consular offices are continuing to operate at reduced capacity, with work levels fluctuating based on local COVID-19 conditions. For example, in January 2022, approximately one-quarter of U.S. consular posts remained closed for applications for non-emergency temporary visas, down from 60% in October 2021. Yet, wait times can still stretch longer than six months. The in-person interview backlog for permanent immigrant visas fell slightly to 436,700 requests in February 2022.<sup>39</sup>

### *Immigration Court Backlogs*

At the end of the first quarter of FY 2022, the immigration court backlog sat at almost 1.6 million cases, up from 1.1 million before the pandemic and more than double the caseload that existed in FY 2018.<sup>40</sup> The backlog for hearings in immigration court has been increasing for years, from under 200,000 pending cases in FY 2008<sup>41</sup> to over 1 million in FY 2019, during a year of high border arrivals and the reopening of a significant number of administratively closed cases.<sup>42</sup> Although more immigration judges have been hired, immigration courts failed to maintain pace with new case filings.

Closures during the COVID-19 pandemic aggravated the challenges, as the Executive Office for Immigration Review (EOIR) suspended hearings for individuals who were not in immigrant detention and reduced in-person contacts, delaying approximately 600,000 hearings due to court closures.<sup>43</sup>

Due to COVID-19 related court closures, policy shifts, and changes in the types of cases before the courts, the number of completed cases fell by half between FY 2021 and FY 2020 – from 231,800 case closures to just 115,000.<sup>44</sup>

### **Recommended Next Steps:**

Below are steps recommended to reduce the growing 9.5+ million-case backlog of immigration applications that has crippled the U.S. government's ability to process them in a timely fashion:

- Reduce wait times, including by expanding premium processing, whereby USCIS should establish new internal cycle time goals to be achieved by September 2023 by increasing staffing and modernizing its processes through the use of new technology. Premium processing should be expanded beyond Form I-129 (Petition for a Nonimmigrant Worker) to include additional employment-based green card applications, all work permit petitions, and temporary immigration status extension requests, giving applicants the option to pay \$2,500 to have their cases adjudicated within 45 days. This measure should go into effect in 60 days, by August 2022. Expanding



- premium processing would include the following cases and is in alignment with USCIS' own processing goals:<sup>45</sup>
- a. Form I-140, Immigrant Petition for Alien Workers:
    - i. EB-1 Multinational Executive or Manager
    - ii. EB-2 Member of Professions Holding an Advanced Degree or Exceptional Ability seeking a National Interest Waiver (NIW)
  - b. I-539, Application to Extend/Change Nonimmigrant Status
  - c. I-765, Application for Employment Authorization
- Automatically extend work permit renewals extensions to 365 days. Most work permit holders who apply for renewals are eligible for an automatic 180-day extension if their authorization to work lapses. However, many immigrants are waiting for their work permit renewals longer than that, often beyond 10 months.<sup>46</sup> The subcommittee recommends extending the period of automatic work permit extensions for those who apply for a renewal to 365 days instead of the current 180 days. This is in alignment with USCIS' current planned strategy to address the backlog.
  - Hire more officers and increase staff by an additional 200 to 250 officers by 2023 to improve internal processing times to meet new timelines for adjudicating applications.
  - Adjudicate requests for temporary work programs, such as H-1B and H-2A visas for agricultural workers, within two months.
  - Review and adjudicate requests for work permits, travel documents, and temporary status extensions or changes should be reviewed and adjudicated within three months.
  - Adjudicate other applications, including those for U.S. citizenship, DACA renewals, and green card requests for immigrants sponsored by U.S. family members or employers, within a targeted goal of six months by 2023, unless there is a query or question by USCIS. If there is a query or more information is needed, USCIS and DOS shall continue to process the applications outside the six-month goal and adjudicate decisions in a timely fashion. If an application is not completed in six months then it will not be terminated and will continue to be processed in a timely fashion ongoing.



## Rationale:

The above recommended next steps are in alignment with USCIS' public plans to reduce its backlog.<sup>47</sup> Currently, USCIS displays case processing times for select forms and locations to let people know how long it generally takes to process their cases and when they can submit a service request for a case that is "outside normal processing time." USCIS updates processing times on its website monthly with the latest available data. The agency's publicly posted processing times show the average amount of time it took USCIS to process a particular form – from when the agency received the application to when a decision was made on the case.

Internally, USCIS monitors the number of pending cases in the agency's workload through a metric called "cycle times." A cycle time measures how many months' worth of pending cases for a particular form are awaiting a decision. As an internal management metric, cycle times are generally comparable to the agency's publicly posted median processing times. Cycle times are what the operational divisions of USCIS use to gauge how much progress the agency is, or is not, making on reducing its backlog and overall case processing times.

These goals are internal metrics that guide the backlog reduction efforts of the USCIS workforce and affect how long it takes the agency to process cases. As cycle times improve, processing times will follow, and applicants and petitioners will receive decisions on their cases more quickly. USCIS will increase capacity, improve technology, and expand staffing to achieve these new goals by the end of FY 2023.



## **Recommendation: Improving Family Based Visa Processing Cycle Times to Reduce the Backlog**

USCIS and DOS should reduce internal processing times for family green card applications.

### **Background:**

Family-based immigration backlogs have increased significantly over the past three decades, which has resulted in years-long delays in family reunification. It is estimated that the family-based visa backlog exceeds 7.5 million applications, up from 3.3 million in 1992 and 6.2 million in 2009.<sup>48</sup> Of this number, approximately 40% are Asian American or Pacific Islander family members of U.S. citizens or permanent residents.<sup>49</sup>

Due to categorical and per-country caps, many family-based immigration avenues have been significantly backlogged for decades.<sup>50</sup> U.S. citizens and permanent residents sponsoring adult children or siblings from many countries, including Asian and Pacific countries, have waited in the backlog since 2002.<sup>51</sup> Approximately two-thirds of annual lawful immigration is comprised of family-based cases,<sup>52</sup> and more than 50% of new permanent residents from Asia were sponsored by family members.

There are five preference categories,<sup>53</sup> and each of these categories is subject to a cap, including the overall annual cap on all family-based visas<sup>54</sup> and pre-country limitations.<sup>55</sup> These limits influence the length of time an individual might wait before they can receive permanent residence.

Because of COVID-19 related closures and staffing limitations as well as the continued effect of the 2017 travel bans, processing green cards up to the annual cap has been difficult. Out of the annual 226,000 green cards available, only 65,452 family-based preference green cards were issued in FY 2021.<sup>56</sup>

### **Recommended Next Steps:**

Below are suggested steps USCIS and DOS can take to start to address this long-standing problem.

- Similar to the first recommendation above, to reduce the agency's pending family-based green card backlog, USCIS should review their processes, systems, and policies and establish new internal cycle time goals by streamlining processes, removing redundant steps, if any, automating any manual approvals, improving their internal dashboards and reporting system, and enhancing policies to reduce the cycle time for processing all forms related to family-based green card application.



- USCIS should review requests for work permits, travel documents, and temporary status extensions or changes within three months.
- USCIS should develop its own implementation plan, new resources hiring plan, and cost estimates and secure a budget and implement suggested internal processing timelines by 2023.
- USCIS should hire 200 to 250 additional officers to process the backlog applications. In addition, USCIS should share the backlog for processing by using skilled officers/employees from other agencies or by hiring temps and contractors as allowed by law.
- DOS' National Visa Center (NVC) facility should hire additional officers to increase its capacity to process green card application interviews by 100% in three months from August 2022, and by increasing green card applications and visa interviews and adjudicate decisions by 150% (from the current the capacity of 32,439 in April 2022) by April 2023, and reduce the current backlog by the end of 2023. Thereafter, green card visa interviews and visa processing timelines should be limited to a targeted goal of six months. If there is a query or more information is needed, USCIS and DOS shall continue to process the applications outside the six-month goal and adjudicate decisions in a timely fashion. If an application is not completed in six months, it will not be terminated and will continue to be processed in a timely and ongoing fashion.

### Resources:

- USCIS Extends Flexibilities to Certain Applicants Filing Form I-765 for OPT, February 26, 2021 (<https://www.uscis.gov/newsroom/alerts/uscis-extends-flexibilities-to-certain-applicants-filing-form-i-765-for-opt>)
- F-1 Students Seeking Optional Practical Training Can Now File Form I-765 Online, April 12, 2021 (<https://www.uscis.gov/news/news-releases/f-1-students-seeking-optional-practical-training-can-now-file-form-i-765-online>)
- USCIS Temporarily Suspends Biometrics Requirement for Certain Form I-539 Applicants, May 17, 2021 (<https://www.uscis.gov/news/alerts/uscis-temporarily-suspends-biometrics-requirement-for-certain-form-i-539-applicants>)
- Validity, Employment Authorization for Certain Adjustment Applicants, June 9, 2021 (<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210609-EmploymentAuthorization.pdf>)



- Rescinding Guidance on Discretionary Employment Authorization for Parolees, August 12, 2021 (<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210812-EmploymentAuthorizationForParolees.pdf>)
- Employment Authorization for Certain H-4, E, and L Nonimmigrant Dependent Spouses, November 12, 2021 (<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20211112-EmploymentAuthorization.pdf>)
- TPS Applicants May Now File Forms I-821 and I-765 Online, November 29, 2021 (<https://www.uscis.gov/newsroom/alerts/all-temporary-protected-status-tps-applicants-may-now-file-forms-i-821-and-i-765-online>)
- Guidance on Expedited EADs for Healthcare and Childcare Workers, December 28, 2021 (<https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request>)
- Updating General Guidelines on Maximum Validity Periods for Employment Authorization Documents based on Certain Filing Categories, February 7, 2022 (<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220207-EmploymentAuthorizationValidity.pdf>)
- Documentation of Employment Authorization for Certain E and L Nonimmigrant Dependent Spouses, March 18, 2022 (<https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220318-EmploymentAuthorization.pdf>)
- USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders, March 29, 2022 (<https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work>)
- Migration Policy Institute: Mounting Backlogs Undermine U.S. Immigration System and Impede Biden Policy Changes, February, 23, 2022 (<https://www.migrationpolicy.org/article/us-immigration-backlogs-mounting-undermine-biden>)



## Recommendation: Issue New Public Charge Policies

The federal government should issue new public charge policies that support Asian American and Pacific Islander immigrant families in accessing supports for their health and well-being as soon as possible. In making an assessment of whether someone will likely become a public charge, the regulations should limit consideration to current receipt of federal cash assistance for income maintenance only (i.e., not considering past use of state benefits, nor federal or state health, housing, food assistance, or education benefits), and not long-term institutionalization at government expense. The rule should reiterate that a public charge assessment is determined by evaluating the totality of circumstances and that no single factor is dispositive. USCIS and DOS should accept a properly executed affidavit of support as presumptively sufficient to overcome a public charge determination. USCIS should partner with other federal agencies to engage in widespread outreach and education to Asian American and Pacific Islander communities about the changes, including which benefits would not implicate the public charge rule.

### Background:

Under the Immigration and Nationality Act, the government can deny someone the ability to become a lawful permanent resident or obtain a visa to come to the U.S. if it is determined that they are “likely to become a public charge.”<sup>57</sup> Although public charge is not statutorily defined, historically the U.S. government has interpreted it to mean someone who is “primarily dependent on the government for subsistence, as demonstrated either by the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense.”<sup>58</sup>

The public charge rule has a significant impact on Asian American and Pacific Islander families. Even in instances where individuals aren’t directly impacted by the rule because they are not seeking admission or adjustment, their family members who may be seeking admission or permanent residence are. For example, Native Hawaiians, indigenous Pacific Islanders, U.S. citizens, and lawful permanent residents, as well as individuals who are exempt from the application of the rule (such as refugees or certain non-citizen crime victims), may still be impacted by the rule if they are sponsoring family members to immigrate or there are others in their households who are subject to the rule.

In recent years, more than three out of every 10 individuals obtaining permanent residence status are from Asia and Pacific Island nations.<sup>59</sup> In addition, 40% of the millions of individuals and families waiting in long backlogs for family-based immigration are from Asia and Pacific Island nations.<sup>60</sup> Each of these immigrants would potentially be scrutinized under the public charge rule. Many of them may be impacted



by participation in programs that they are eligible for and need in order to improve their health and the well-being of their families.

In 2018, the White House announced plans to examine policy changes that would not only prevent immigrants from entry or obtaining legal status but also reduce immigrants' access to public benefits. In August 2019, DHS (soon followed by DOS<sup>61</sup>), finalized a regulation that made it much more difficult for low- and moderate-income immigrants to obtain permanent residence.<sup>62</sup> The 2019 regulation significantly expanded the definition of public charge to mean someone who had received public benefits and also expanded the types of benefits to be considered in a public charge determination, such as nutrition, health care, and housing benefits, as well as cash assistance for income maintenance.

Advocates challenged the 2019 rule, but the U.S. Supreme Court allowed it to take effect while the litigation was pending.<sup>63</sup> Following the 2020 election, the Department of Justice (DOJ) settled ongoing litigation that had challenged the 2019 rule<sup>64</sup> in which judicial decisions invalidated or enjoined its enforcement. As a result, the prior, longstanding public charge policy (previously put in place in 1999)<sup>65</sup> was reinstated and has been in effect since March 2021. Since then, federal agencies that manage benefits programs have been encouraged to publicize the changes in policy.<sup>66</sup> In February 2022, DHS proposed a new regulation concerning the scope and application of the public charge provisions of immigration law.<sup>67</sup> The public comment period expired on April 25, 2022.

### **Rationale:**

As a result of the 2019 public charge policy changes, denials of immigrant visas skyrocketed<sup>68</sup> and immigrant families, including families that include U.S. citizen children, were deterred from seeking help.

As recently as September 2021, even after the Biden administration reinstated the 1999 rule, over 40% of respondents in a survey of primarily Latinx, Asian, and Pacific Islander families continued to believe that “applying for assistance programs could cause immigration problems.”<sup>69</sup> Fifty-percent of respondents in that same survey said that understanding the changes to public charge would make them more likely to use safety net programs when necessary, highlighting the importance of continued outreach to immigrant communities about changes to the policy.

### **Proposed Approach for Implementation:**

- DHS and the DOS should issue regulations as soon as possible, USCIS should update the USCIS Policy Manual,<sup>70</sup> and DOS should update its Foreign Affairs



Manual.<sup>71</sup> The rules should reiterate that a public charge assessment be determined by evaluating the totality of circumstances and should also specify that no single factor is dispositive.

- DHS, in partnership with benefits granting agencies, should create materials clearly communicating the new public charge rule in multiple languages, including in at least 10 of the most common languages from the countries in which the U.S. receives immigrants, including updates to its current Frequently Asked Questions (FAQ) explaining the new public charge rule, particularly where the new rule differs from the 1999 Field Guidance, which is current policy.
- DHS should work with HHS, the Department of Agriculture, Department of Housing and Urban Development, Department of Labor, Department of Education, DOJ (victim services and crime victims' compensation), Department of the Treasury, the Small Business Administration, and other relevant agencies to create public charge resource pages on the agency websites, similar to the public charge webpage that DHS currently has, explaining the new rule and its limited applicability to benefits programs. These websites must be available in multiple languages and have clear links to translated versions in the upper righthand corner of the webpage.
- DHS and benefits-granting agencies should create co-branded materials to state benefits agencies, immigrant-serving organizations, and community organizations. These new materials should be shared broadly with health centers and other community-based organizations providing services to immigrants and their families. Additionally, DHS and partner agencies should provide training materials and support to state agencies, call center staff, state outreach partners, and immigrant-serving organizations so that their personnel have updated and accurate information about the new public charge rule. DHS and partner agencies should share responses to questions received from the field and use those to further refine training and outreach materials.
- DHS and benefits granting agencies should create materials in multiple languages ready for states and service providers to use. States and community groups that work directly with families must be given outreach materials suited to their populations and their ways of interacting with their clients. These materials should use language that is accessible to immigrant communities and should be available in multiple languages for communities with limited English proficiency. These materials must communicate key messages about the public charge rule and be available in multiple formats.



- DHS should launch a public relations campaign through social media and ethnic media channels. Immigrant communities go to trusted community members and media channels to get their information. In order to communicate the new public charge rule effectively, DHS must meet immigrant communities where they are through a campaign that uses all available communications channels, including social media and ethnic media.
- DHS should provide funding to trusted community organizations that can provide outreach and education to immigrants and their families. DHS should provide funding for these organizations so that trusted AA and NHPI community leaders can share information about the new public charge rule directly to families and in public settings like in the media and in community forums. For example, HHS recently announced outreach grants available to a wide range of organizations, including state/local governments, tribal entities, safety net providers, nonprofits, schools, and organizations that use community health workers, community-based doula programs, and more. These groups may apply for up to \$1.5 million over three years to connect eligible people to Medicaid or the Children's Health Insurance Program (CHIP) under the grants.<sup>72</sup> DHS could provide similar grants for organizations to educate people about the final public charge policy.

### **Timeline:**

Regulation and manuals should be updated by the end of the year (2022).

The outreach should begin as soon as the final rule is published and should continue on an ongoing basis. In addition, the aforementioned requests for proposal should be issued and implemented in 2023.



## Language Access Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Dr. Amy Agbayani, Victoria Huynh, Dr. Kimberly Chang
- **Members:** Kerry Doi, Grace Huang, Dr. Kamal Kalsi, Ajay Bhutoria, Simon Pang
- **Non-Commission Member:** Deeana Jang
- **Ex-officio Member:** Laureen Laglagaron, U.S. Department of Justice
- **Designated Federal Officer:** Larissa Bungo

### Summary of Meetings and Presentations:

The Language Access Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met on March 4, March 18, April 1, April 15, April 29, and May 5, 2022. The subcommittee received presentations from the following subject matter experts who helped to inform its recommendations:

- **Laureen Laglagaron, Attorney, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice (DOJ):** Provided an overview of LEP.gov, including any known barriers or recommendations to improve the website. Also discussed how DOJ works with federal agencies to craft language access plans listed on LEP.gov, as well as Title VI enforcement, including information about language access complaints DOJ receives.
- **David Munson, Attorney, Federal Communications Commission (FCC) Public Safety & Homeland Security Bureau, Policy & Licensing Division, and James Wiley, Attorney Adviser in the Federal Communications Commission's Public Safety & Homeland Security Bureau, Cybersecurity and Communications Reliability Division:** Provided an overview of the Wireless Emergency Alerts that deliver critical warnings and information over radio and television, Emergency Alert System that delivers critical warnings and information to the public on wireless devices, FCC collaboration with State Emergency Communication Committees (SECCs), and recommendations to expand emergency alerts to limited English proficient communities.



- **Justin Knighten, Director, External Affairs, Federal Emergency Management Agency (FEMA), and Franceska Ramos, Lead, Language Services Branch in the Disaster Operations Division FEMA Office of External Affairs:** Provided an overview about FEMA’s coordination with State Emergency Management Agencies and how federal dollars are distributed in disaster/emergency situations. Also shared information on how FEMA assesses what language needs exist in areas that have been affected by a disaster.

### Summary of Recommendations:

The Language Access Subcommittee approved the following three recommendations at the May 12, 2022 full Commission meeting:

- **Recommendation:** The federal government should ensure that emergency and disaster prevention, planning, response, mitigation, and recovery programs are inclusive of and reflect the lived experiences of limited English proficient populations.
- **Recommendation:** Public and emergency alerts should be simultaneously accessible to persons with limited English proficiency at the same time as English-speaking persons.
- **Recommendation:** Federal agencies should provide key documents, digital content, and forms on their websites translated into multiple AA and NHPI languages.



## Recommendation: Access to Emergency Services

The federal government should ensure that emergency and disaster prevention, planning, response, mitigation, and recovery programs are inclusive of and reflect the lived experiences of limited English proficient (LEP) populations.

### Background:

Studies have shown that communities with high numbers of limited English proficient residents and racial minorities were hit hardest by the pandemic with higher rates of incidence and mortality among these populations.<sup>73</sup> Yet, many limited English-speaking individuals could not access information, testing, and vaccinations in their languages.<sup>74</sup> Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) community-based organizations stepped in to fill the void, while simultaneously addressing the wave of anti-AA and NHPI hate crimes occurring as a response to the pandemic.<sup>75</sup> As illustrated by the recent flooding in New York City during Hurricane Ida, and also by the aftermath of Hurricane Katrina and the BP Gulf Coast oil spill, immigrant communities including limited English-speaking Asian Americans and Pacific Islanders faced particular challenges in receiving timely and accurate information about disaster/emergency preparedness and response and recovery services, and were therefore disproportionately impacted.<sup>76</sup> In 2010, staff from what was then referred to as the White House Initiative on Asian Americans and Pacific Islanders were deployed to the Gulf to address the BP oil spill that impacted hundreds of Southeast Asian immigrants who made their living fishing in the affected waters. As a result, the first federal-wide language translation clearinghouse was established, in which all materials produced for the oil spill were translated into seven languages.<sup>77</sup> This was especially critical for limited English proficient AA and NHPI communities.

### Proposed Approach for Implementation:

- The Federal Emergency Management Agency (FEMA) should ensure that the Department of Homeland Security (DHS) annual report<sup>78</sup> on national preparedness integrates inclusion of AA and NHPI communities' experiences and addresses language access in disaster and emergency prevention, protection, mitigation, response, and recovery.
- FEMA should incorporate language access issues in its other activities to implement the Presidential Policy Directive-8<sup>79</sup> including the toolkit, prep talks, and case studies.



- FEMA must include limited English proficient AA and NHPI communities as “at-risk” communities to build capability and capacity to plan for and mitigate hazards as outlined in its Equity Action Plan.<sup>80</sup>
- FEMA and other federal agencies providing disaster/emergency grants (e.g., Department of Health and Human Services (HHS), Department of Housing and Urban Development (HUD), Environmental Protection Agency (EPA)) should ensure that applicants provide specific information concerning the demographics of the LEP populations in their service areas, how they will ensure meaningful access by those populations, and information about engaging those communities in the planning and development of the services and developing a language access plan. These requirements can be incorporated into Notice of Funding Opportunities (NOFOs), scoring sheets for grant reviewers, and terms and conditions language.
- FEMA, the National Weather Service, HHS and other agencies involved in disaster/emergency response should collaborate and develop glossaries of disaster/emergency terminology in the top 15 languages spoken by LEP populations in the U.S.
- The Office of Personnel Management (OPM) should provide guidance to federal agencies that directly intervene in disaster/emergency response and recovery on hiring of bilingual staff, interpreters, and translators including determining their competency and skills to provide language services or services in-language.
- OPM should develop and maintain a list of temporary federal detailees who are assessed with sufficient language skills and could be deployed to assist in emergencies.

### Resources:

- Communication Toolkit for Immigrant, Refugee, and Migrant Health (<https://www.cdc.gov/immigrantrefugeehealth/resources/communication-toolkit.html>)
- Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness, Response, and Recovery (<https://www.justice.gov/crt/file/885391/download>)
- Emergency Preparedness Resources for Persons with Limited English Proficiency (<https://www.hhs.gov/guidance/document/emergency-preparedness-resources-persons-limited-english-proficiency-lep>)



- A Checklist for Emergency Responders: Ensuring Language Access and Effective Communication During Response and Recovery (<https://www.hhs.gov/sites/default/files/lang-access-and-effective-comm-checklist-for-emergency-responders.pdf>)
- Guidance to State and Local Governments and Other Federally Assisted Recipients Engaged in Emergency Preparedness, Response, Mitigation, and Recovery Activities on Compliance with Title VI of the Civil Rights Act of 1964 (<https://www.justice.gov/crt/fcs/EmergenciesGuidance>)
- FEMA: Language Access Plan ([https://www.fema.gov/sites/default/files/documents/fema\\_language-access-plan\\_12-2020.pdf](https://www.fema.gov/sites/default/files/documents/fema_language-access-plan_12-2020.pdf))
- FEMA: Equity Action Plan (<https://www.whitehouse.gov/wp-content/uploads/2022/04/FEMA-EO13985-equity-summary.pdf>)
- The New York Times: Push for Language Access After Ida Highlights a Greater Need in N.Y., March 3, 2022 (<https://www.nytimes.com/2022/03/03/nyregion/severe-weather-alerts-languages-ida.html>)



## **Recommendation: Ensure Public and Emergency Alerts are Accessible to LEP Persons**

Public and emergency alerts should be simultaneously accessible to persons with limited English proficiency at the same time as English-speaking persons.

### **Background:**

Under Executive Order 13407<sup>81</sup> codified by the Integrated Public Alert and Warning System Modernization Act of 2015,<sup>82</sup> DHS must ensure that the public alert and warning system has the capability to alert and warn all Americans including those without an understanding of the English language to the extent technically feasible. Emergency alerts are broadcast through a variety of platforms including wireless technology, radio broadcast, and telephone. FEMA and the Federal Communications Commission (FCC) are responsible for periodically testing the national alert system, but the testing is only in English and Spanish.<sup>83</sup> Emergency alert broadcasts by the National Weather Service (NWS) are also limited to English and Spanish.<sup>84</sup> These limitations were a contributing factor to the preventable drowning deaths of low-income residents living in basement apartments, many of whom were of Asian descent, when Hurricane Ida made landfall in September 2021.<sup>85</sup>

The New York Times noted that while the National Weather Service is attempting to expand language access, the alerts are limited by FCC rules, but technology issues are likely the primary challenge.<sup>86</sup> Wireless Emergency Alerts (WEA) are limited to English and Spanish, but the FCC is considering whether to require additional languages.<sup>87</sup> The technology does not support ideographic languages, which requires Unicode and consumes more data. There is more potential to expand language access with the Emergency Alert System (EAS), which operates as a pass-through. With respect to EAS, the originator provides the content and translations. The FCC encourages each state to establish a State Emergency Communications Committee that is responsible for drafting a state EAS plan, which should include a description of how they will ensure EAS alerts are available in languages other than English.<sup>88</sup> The focus should therefore be on the state and local agencies that originate the emergency alert messages to ensure they prepare and test multilingual emergency alerts in partnership with immigrant serving community-based organizations. Under Title VI of the Civil Rights Act of 1964 and its implementing regulations, state and local agencies that receive federal financial assistance must ensure people with limited English skills can access their services, programs, and activities.<sup>89</sup>



## Proposed Approach for Implementation:

- FEMA should develop a plan for integrating and expanding language access into its Integrated Public Alert and Warning System<sup>90</sup> including making language access a requirement in its memoranda of agreement with state and local emergency services agencies and creating a toolkit for integrating language access into emergency alert systems. FEMA has a National Advisory Council<sup>91</sup> which advises the Administrator and holds regular meetings. The Commission could present this recommendation at one of those convenings.
- FEMA's Integrated Public Alert and Warning System Program Management Office<sup>92</sup> must test sending out national alerts in languages in addition to English and Spanish. This could be done for the next testing of the National Alert System.
- The Department of Commerce, including NWS, must develop a new language access plan that addresses language access for all LEP communities because “the goal of building a Weather-Ready Nation (WRN) in the U.S. cannot be attained when a large portion of the population may not properly understand NWS products and services due to a language barrier.”<sup>93</sup> This could be used as a template to expand beyond Spanish, with the caveat against using automated translation software. This should be done by the end of this fiscal year.
- FEMA, NWS, HHS and other agencies involved in disaster and emergency response should collaborate and develop glossaries of disaster/emergency terminology in the top 15 languages spoken by LEP populations in the U.S. This should be done by the end of the second quarter of the next fiscal year.
- FEMA, FCC, NWS and other agencies should consider collaborating on a challenge.gov initiative to address technology issues with wireless emergency alerts in ideographic languages and explore what systems and technologies other countries with multilingual residents use. This could potentially occur by the end of this fiscal year.
- By the end of next fiscal year, FEMA, HHS, HUD, EPA, and other agencies that provide funding to state and local emergency services agencies should consider the development of pilot collaborative funding initiatives to support regional networks to create multilingual emergency alerts in partnership with community-based organizations in communities with high populations of AA and NHPs.



## Resources:

- FCC Multilingual Alerting Workshop (<https://www.fcc.gov/news-events/events/2019/06/multilingual-alerting-workshop>)
- Integrating Immigrant Families in Emergency Response, Relief and Rebuilding Efforts, The Annie E. Casey Foundation ([https://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_GCIR\\_guide\\_on\\_engaging\\_immigrants\\_in\\_emergency\\_preparedness.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/resources_GCIR_guide_on_engaging_immigrants_in_emergency_preparedness.pdf))



## **Recommendation: Expand Federal Agency Content and Services Access to Non-English Speaking AA and NHPI Communities**

To ensure multilingual access to government services and agency content, there must be alignment across the federal government. Federal agencies are required to provide meaningful access to government information to people with limited English proficiency. This applies to each agency's digital content. The needs of each agency will determine the information required to be provided in other languages, based on an assessment of the audience at national, regional, and local levels. Federal agencies should translate into multiple AA and NHPI languages key documents, digital content, and forms on their websites.

### **Background:**

The evolving demographics in the United States has positioned the AA and NHPI population as one of the most rapidly growing racial and ethnic groups in the country – expected to surpass 46 million people by 2060.<sup>94</sup> AA and NHPIs have helped to build a strong and vibrant America and comprise subpopulations of diverse and varied ethnicities, languages, and cultures. For generations, the AA and NHPI communities have played an important economic role, starting businesses, founding some of our nation's most successful and innovative enterprises, and generating jobs that contribute billions of dollars in wages and taxes.

While we celebrate the many contributions of the AA and NHPI communities, we also recognize that the number of people who are not proficient in English is growing dramatically every year. According to the Census Bureau, there are approximately 25 million people who speak a foreign language at home and who speak English “less than very well.”<sup>95</sup> Of that number, almost 5 million speak an Asian or Pacific Island language and speak English “less than very well.”<sup>96</sup> By 2010, the most commonly spoken non-English languages in the United States included Spanish, Chinese, French, Tagalog, Vietnamese, and Korean.<sup>97</sup> Language access barriers increase inequity in every area of life: economic, health access, and civil rights. For instance, many limited English proficient AA and NHPIs who are eligible for federal services cannot effectively access those programs because of language challenges.<sup>98</sup>

### **Rationale:**

Government information that is easy to find online encourages participation in all aspects of American life, and providing that information in languages specific to the audience will help bridge the information divide. A proactive approach for multilingual access to information will help to achieve U.S. government guidelines already in place.



In February 2011, the Department of Justice issued a memo to federal agencies reaffirming the mandates of Executive Order 13166.<sup>99</sup> The memo included specific steps to help agencies comply with their responsibilities in this area.

In November 2016, OMB issued a revised memorandum to all executive departments and agencies outlining policies to help federal agencies improve digital services and use emerging technologies, including providing multilingual content in accordance with Executive Order 13166 and the Department of Justice’s guidance to determine which website content must be provided in other languages.<sup>100</sup> Federal agencies have done a fair job of translating materials into Spanish, but must think beyond Spanish to reach more LEP populations.

The newly-issued 2022 Equity Action Plans<sup>101</sup> – many of which reference language access – serve as another means to push translation beyond Spanish and into the top languages spoken by the broader LEP community: Chinese (simplified and traditional), Korean, Vietnamese, and Tagalog.

### **Proposed Approach for Implementation:**

Implementation of these objectives can benefit from a study of successful multilingual access accomplished by other governments (e.g., the Australian government) as well as the successful examples within the U.S., such as the following:

- The federal government’s official web portal to all online information and services is available in Spanish.<sup>102</sup> The same should be provided in multiple AA and NHPI languages.
- The official web portal in Spanish for the Centers for Disease Control and Prevention should be expanded to AA and NHPI languages.<sup>103</sup>
- The Social Security Administration already provides information in 15 different languages, and a further expansion of language access should be provided to include more AA and NHPI languages of lesser diffusion.<sup>104</sup>
- MedlinePlus, from the National Library of Medicine, provides comprehensive health information in Spanish, and access should be provided in other languages.<sup>105</sup>
- The IRS Multilingual Gateways provides basic federal income tax information in multiple languages and should be expanded to other languages.<sup>106</sup>
- The Department of Justice, Civil Rights Division’s reporting portal is available in the top five AA and NHPI languages and allows someone to report hate crimes in multiple languages spoken by AA and NHPI groups.<sup>107</sup>



In addition to reviewing the above resources, the Commission proposes the following steps for agencies to consider to ensure that they are indeed supporting the needs of LEP communities:

- Pursuant to Executive Order 13166, each federal agency should examine the services it provides, review its digital content publishing strategy, and design, develop, and implement a system by which LEP persons can meaningfully access the services and digital content published on the agency website in AA and NHPI languages without unduly burdening the fundamental mission of the agency.
- Federal agencies should identify and translate into multiple AA and NHPI languages vital documents and post on their websites on an ongoing basis.
- Each agency can design how the translated documents are published on its website. For instance, an agency could choose to include a separate tab (“Translated Documents”) which could centrally store all important documents in one location on the agency website for the LEP person to easily access.
- All required forms, information, brochures, digital content, and newsletters should be translated into multiple AA and NHPI languages.
- Agencies should evaluate the particular needs of the LEP communities they serve and identify the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.
- Federal agencies should consider the report drafted by the Title VI Interagency Working Group Limited English Proficiency Committee’s December 2021 guide on *Improving Access to Public Websites and Digital Services for LEP Persons* and the accompanying webinar.<sup>108</sup>
- Each federal agency will identify and build a multilanguage implementation plan, identify resources and estimated costs, and secure funding through the Bipartisan Infrastructure Law and/or internal agency budgets to execute the plan in a timely fashion.
- The Census Bureau should provide easily accessible public data at the county, state, and metropolitan statistical area on languages commonly spoken at home.
- Each federal agency prepares a centralized database or aggregate language translation/interpretation resources related to languages of lesser diffusion.



- The Small Business Administration should prioritize accessibility for LEP communities.
- Each federal agency must address the needs of limited English persons who speak less commonly spoken languages including, but not limited to, Chuukese, Mien, Laotian, Karen, Kachin, Chin, Hindi, Punjabi, Mongolian, Nepalese, and Farsi.



## Data Disaggregation Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Sarah Min, Dr. Raynald Samoa, Dr. Robert Underwood
- **Members:** Emily Chen, KaYing Yang
- **Non-Commission Members:** Dr. Ninez Ponce, Dr. Joseph Keawe Kaholokula
- **Designated Federal Officer:** Dr. Lanlan Xu

### Summary of Meetings and Presentations:

The Data Disaggregation Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met on March 10, March 28, April 11, April 18, April 25, May 2, and May 9, 2022.

The subcommittee received presentations from the following subject matter experts who helped to inform its recommendations:

- **Dr. 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 a senior science policy analyst at the Office of Information and Regulatory Affairs (OIRA):** Provided an overview of OMB's minimum standards for the Classification of Federal Data on Race and Ethnicity, updates on the Equitable Data Working Group, and equitable data investments in the President's FY23 Budget.
- **Cynthia Davis Hollingsworth, Program Manager for 2020 Census Data Products and Dissemination, Decennial Census Management Division, U.S. Census Bureau; Nicholas Jones, Director and Senior Advisor of Race and Ethnic Research and Outreach, Population Division, U.S. Census Bureau; and Rachel Marks, Chief of the Racial Statistics Branch, Population Division, U.S. Census Bureau:** Presented on the collection of race and ethnicity data for the 2020 Census and on updates of the timeline and status of the 2020 Demographic and Housing Characteristics File.
- **Stephen Blumberg, Director of the Division of Health Interview Statistics and Director of the National Health Interview Survey, National Center for Health Statistics, and Adena Galinsky, Health**



- Statistician of the Division of Health Interview Statistics, National Center for Health Statistics:** Presented overview of NCHS's past work on the Native Hawaiian and Pacific Islander National Health Interview Survey in 2014, and other ways to collect disaggregated health survey data on the AA and NHPI communities.
- **Doua Thor, Vice President of Strategy and Influence at Sobrato Family Foundation; former Executive Director of the White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI), and Akil Vohra, Executive Director of Asian American Youth Leadership Empowerment and Development; former Director of Strategic Initiatives at WHIAAPI:** Presented lessons learned on the implementation of the Commission's data disaggregation recommendations from the Obama administration.

## Summary of Recommendations:

The Data Disaggregation Subcommittee approved two recommendations at the May 12, 2022 full Commission meeting:

- **Recommendation:** The Office of Management and Budget (OMB) update the minimum standards for federal data on race and ethnicity to fulfill its mission to produce full, fair, and accurate data on the status of health, education, labor, immigration, economy, and other vital indicators for all communities in our nation, including Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities.
- **Recommendation:** Encourage key federal agencies, such as the OMB, the U.S. Census Bureau, Centers for Medicare and Medicaid Services (CMS), and the National Center for Health Statistics (NCHS), through administrative support and funding to partner with communities and their advocates to ensure the optimal gathering, reporting, and access to AA and NHPI data are relevant and usable by these groups.



## Recommendations: Update to OMB Minimum Data Standards on Race and Ethnicity and Encourage Key Federal Agencies to Partner with Communities

OMB must update its minimum standards for federal data on race and ethnicity and work with other key agencies, such as the Census Bureau, Centers for Medicare and Medicaid Services (CMS), and the National Center for Health Statistics (NCHS) to ensure the optimal gathering, reporting, and access to AA and NHPI data is relevant and usable by community groups.

### Background:

Currently, there are more than 24 million Asians and nearly 1.6 million Native Hawaiians and Pacific Islanders in the United States, comprising over 6% of the total population.<sup>109</sup> That number is projected to increase to 10% by 2060.<sup>110</sup> The need for data disaggregation was identified as an issue since the first President's Advisory Commission on Asian Americans and Pacific Islanders was formed and by every Commission thereafter. As the population continues to diversify and grow, it is increasingly more urgent that data disaggregation is prioritized in order to better identify and understand the needs of underserved AA and NHPI populations. The subcommittee considers its work as building on the gains of previous Commissions and bringing to light the current advocacy by other groups working to advance progress on data disaggregation efforts for AA and NHPI communities.

At the March 10 subcommittee meeting, Dr. Margo Schwab, Branch Chief for the Statistical and Science Policy component of the OMB and co-chair of the Equitable Data Working Group (EDWG), presented the OMB standards on race/ethnicity.<sup>111</sup> Dr. Schwab informed the subcommittee that the current OMB standards, which were initially implemented in 1977 and updated in 1997, have not been updated in the past 25 years. In 2014, the Obama administration started a review of the standards and released a Federal Register Notice in 2016 seeking public comment,<sup>112</sup> but no official update occurred. AA and NHPI community organizations have voiced frustration that equitable information is not mandated by current OMB standards for the reporting of disaggregated data.

The White House Initiative on Asian Americans and Pacific Islanders Interagency Working Group established under EO 13515 by President Obama, created the Data and Research Subcommittee.<sup>113</sup> The Data and Research Subcommittee drafted a *Best Practices for the Disaggregation of Federal Data on Asian Americans and Pacific Islanders* in March 2016, which outlined a number of recommendations to address data access and how to disseminate data effectively.<sup>114</sup> Several recommendations from the report have been implemented, such as the pooling of multi-year data to address the



limitations of small sample sizes, but many of the report's recommendations, including engaging communities, have not been fully realized.

The EDWG was established under Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as part of President Biden's commitment to a whole-of-government approach to advancing equity.<sup>115</sup> The EDWG serves to work across all agencies to optimize data collection and reporting, analyze disparities, and eliminate inequities. In April 2022, the EDWG released *A Vision for Equitable Data: Recommendations from the Equitable Data Working Group*, which was informed by discussions with a wide range of academic researchers, community leaders, and advocates.<sup>116</sup> These recommendations will help advance progress to achieve data equity for AA and NHPs.

### Rationale:

The use of racial and ethnic categories in the U.S. has historically been leveraged to uphold power inequalities; indeed the first census of 1790 consisted only of two categories to separate white individuals from enslaved peoples and all other free persons.<sup>117</sup> The changing social fabric of the country mandates that OMB routinely review and update these categories, which it did so in 1921 and most recently in 1997.<sup>118</sup> These categories continue to mask the myriad of experiences of the diverse AA and NHP subgroups in many areas. Accordingly, by revising the OMB standards, the data collected will provide a truer reflection of the diverse and important needs for AA and NHPs and the disparities in achieving equity and justice. This better data will lead to better public policy for AA and NHP communities.

For instance, higher education serves as one important example. The Washington Center for Equitable Growth reported that the aggregated AA and NHP college attainment rate is approximately 51%. Yet, breaking this data down by ethnic subpopulation reveals a startling difference: Taiwanese report the highest rate of bachelor degree attainment at 74.5%, while only 15% of Laotians, 14% of Samoans, and 5.2% of other Micronesians reported the same.<sup>119</sup>

Along with updating the OMB minimum standards, AA and NHPs experience a number of challenges in accessing data. *The Best Practices for the Disaggregation of Federal Data on Asian Americans and Pacific Islanders* report identified key strategies to improve limitations in data collection, data analysis and evaluation, and data access and dissemination.<sup>120</sup> Noted limitations included the siloing of data by sector, poorly communicated data sharing and access protocols, low investments in increasing data science skills for community advocates, and limited community stakeholders' ability to build capacity to utilize available data products. User friendly data products are developed at the level of the academic researcher which often goes beyond the



comprehension of community-based organizations. For communities to be able to advocate for better living conditions, for instance, it is imperative that their access to data is optimal, and that their ability to use those available data products is optimal as well. Thus, it is critical to partner with and engage communities to ensure the approaches for access to and dissemination of AA and NHPI data are community relevant and usable.

The EDWG recommendations include: 1) making disaggregated data the norm while protecting privacy; 2) catalyzing existing federal infrastructure to leverage underused data; 3) building capacity for robust equity assessment for policymaking and program implementation; 4) galvanizing diverse partnerships across all levels of government and the research community; and 5) being accountable to the American public.<sup>121</sup> The Commission's recommendations are aligned with the EDWG proposal to bring forth data equity for marginalized communities.

### **Proposed Approach for Implementation:**

- The subcommittee recognizes the significant complexity in updating the minimum standards categories and the potentially wide impact that such a change would bring. The subcommittee will continue to investigate successful models for data disaggregation collection and reporting, such as the 2015 National Content Test recommended format,<sup>122</sup> which includes expanded Asian-based categories for Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, and an “other Asian” category that includes Pakistani, Cambodian, and Hmong, and the Hawai‘i State Department of Health’s expanded NHPI categories that include Native Hawaiian, Pacific Islander, Samoan, Tongan, Other Polynesian, Guamanian/Chamorro, Marshallese, Other Micronesian, and Other Pacific Islander not specified.<sup>123</sup> The subcommittee has recruited subject matter experts (SME) to serve on the subcommittee and will continue researching different models by interviewing SMEs outside of the subcommittee meetings for the purpose of providing more detailed recommendations in the future. A specific recommendation at this time, for instance, would be to remove the “Other” from the category “Native Hawaiian or Other Pacific Islander.”
- The Commission will continue to work with key federal agencies by providing recommendations in the future to optimize community engagement for the potential purpose of developing community, academic, and researcher partnerships and the fielding of much needed community input on key national surveys and other community identified strategies. The recruitment of AA and NHPI data experts combined with additional interviews of SMEs will allow for the delivery of more detailed and impactful recommendations in



a timely manner. The Commission will also continue collaborating with the Regional Network to convene community groups in an effort to gain a richer understanding of the nuances experienced by the community regarding inequitable access to data and available resources to analyze data. The ability to hear from groups about what data they find relevant and in what manner will lead to more effective User Interface (UI) and establish a baseline that all audiences will be able to draw from.

### **Timeline:**

The subcommittee foresees that putting forth germane but impactful recommendations to update the OMB minimum standards would be a one to two-year process as this will require a comprehensive review of best practices for data disaggregation models for AA and NHPI populations, investigating data processes at various federal agencies, and listening to the AA and NHPI communities and their expertise.

Recommendations regarding optimal community engagement and input will be submitted on a rolling basis, potentially every three months.



## Economic Equity Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Ajay Bhutoria, Simon Pang, Smita Shah
- **Members:** Luisa Blue, Dr. Kimberly Chang, Kerry Doi, Michelle Ka'uhane, Kevin Kim, Ai-jen Poo
- **Designated Federal Officer:** Larissa Bungo

### Summary of Meetings and Presentations:

The Economic Equity Subcommittee met bi-weekly. Following the Commission's inaugural meeting on February 3-4, 2022, the subcommittee met March 4, March 18, April 1, April 15, April 29, May 2, and May 4, 2022. The subcommittee received presentations from the following subject matter experts who helped to inform its recommendations:

- **WHIAANHPI Regional Network National Co-Chairs Janan "Ben" Raju and Paul Chang:** Provided an overview of the Regional Network, efforts to increase awareness and access to economic opportunities, and recommendations for further collaboration between the Commission and the Regional Network for the benefit of AA and NHPI communities.
- **Bharat Ramamurti, Deputy Director, White House National Economic Council:** Shared information about the administration's efforts to help small businesses increase access to relief, grow, and thrive, including expanding technical assistance to ensure that AA and NHPI businesses have equitable access to the increased investment in support for small businesses; and efforts to help the long term unemployed find work.
- **Jenny Yang, Director, Department of Labor, Office of Federal Contract Compliance Programs (OFCCP):** Presented on how the OFCCP looks at data in compliance evaluations, as well as the important work being done to protect AA and NHPIs from discrimination in areas such as pay and hiring.
- **Julie Wong, Presidential Management Fellow and staff lead for the Diversity, Equity, Inclusion, and Accessibility Subcommittee on Secretary Walsh's Advisory Committee on Apprenticeship:** Discussed the Department of Labor's Employment and Training



Administration’s apprenticeship work, with a focus on Registered Apprenticeship Programs as a workforce development tool to increase diversity, equity, inclusion, and accessibility and offered suggestions for increasing AA and NHPI apprentices.

- **Janis Bowdler, Racial Equity Counselor, U.S. Department of the Treasury:** Provided information on what the Department of the Treasury is doing to promote economic equity for AA and NHPIs, including information on grants and investments to Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs) which in turn provide loans. Ms. Bowdler also discussed the State Small Business Credit Initiative (SSBCI) program that provides grants to states, which then provide funds to partners who will provide loans or equity investments.

### Summary of Recommendations:

The Economic Equity Subcommittee approved two recommendations at the May 12, 2022 full Commission meeting:

- **Recommendation:** Host forums in several cities across the country, entitled *White House Initiative on AA and NHPI (WHIAANHPI) and White House AA and NHPI Economic Summits*.
- **Recommendation:** Increase the share of federal contract dollars that go to small, disadvantaged businesses (SDBs) to 20% by 2025.



## **Recommendation: AA and NHPI Economic Summits**

The White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI) should host forums in several cities across the country in partnership with the Regional Network (RN) and community organizations. These regional economic forums should highlight the Biden-Harris administration's commitment to advancing equity and economic empowerment and connect local Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) community members directly with federal leaders and resources. The forums will also feature community leaders, administration officials, and local elected officials.

### **Background:**

The AA and NHPI communities have very limited awareness around the federal procurement process, becoming a federal supplier/contractor, and applying for federal jobs, grants, internships, and programs.

The Department of Commerce (Economic Development Administration (EDA) and Minority Business Development Agency (MBDA)), Small Business Administration (SBA), and the Department of the Treasury are rolling out programs to assist small businesses, but many owners do not understand how to access the relief available to them. More sophisticated business owners know how to apply, but sole proprietors and owners of nail salons or corner stores, for instance, may not have that kind of access. As the Departments of Labor, Health and Human Services, and other agencies roll out programs to support individuals and create economic opportunity, many disadvantaged individuals are not aware of how to identify or take advantage of them.<sup>124</sup>

Based on data gathered from the RN in the last few years, only a limited number of events were organized to share information specifically related to the above. This limited outreach to AA and NHPI communities does not demonstrate the administration's continued commitment to the President's Executive Order on advancing economic equity and support for underserved AA and NHPI communities through the federal government.

### **Rationale:**

Since March 2021, the RN supported approximately 12 events with business related topics. As for events that occurred prior to 2021, the Department of Commerce website no longer hosts the documents and videos related to the last administration, but several business focused roundtables and events occurred. The events held last year and in previous years were very limited in number and did not reach the broader AA and NHPI



populations across major cities and did not sufficiently raise awareness of the below items.

Based on SBA data released in December 2021, only about 3% of federal procurement dollars go to AA and NHPI communities,<sup>125</sup> yet approximately 10% of all businesses are owned by AA and NHPIs.<sup>126</sup> This disparity reflects a lack of awareness of federal procurement opportunities for AA and NHPI communities.

### **Proposed Approach for Implementation:**

The subcommittee recommends hosting these economic forums in-person in several cities across the country in partnership with the Regional Network and community organizations. Each event will feature multi-faceted and dynamic sessions with the intent to:

- Demonstrate the administration's continued commitment to the President's Executive Order on advancing economic equity and support for underserved AA and NHPI communities through the federal government;
- Highlight the impact of the Biden-Harris administration initiatives such as the American Rescue Plan, Bipartisan Infrastructure Law, and COVID-19 response;<sup>127</sup>
- Increase engagement between AA and NHPI constituents and administration officials as well as federal offices and services at the regional level;
- Encourage AA and NHPI community members to apply for federal procurement, jobs, grants, internships, and programs and share available tools and resources for small businesses;
- Build on the Biden administration's work to help small businesses by promoting programs that will help AA and NHPI communities such as SBA's Community Navigator Pilot Program, an initiative aimed at reducing barriers that underrepresented and underserved entrepreneurs often face in accessing the programs they need to recover, grow, or start their businesses;
- Increase federal procurement opportunities for AA and NHPI enterprises;
- Increase awareness around available resources for skill development, training educational workshops, career development, resume writing workshops, advancement, vocational training, or other appropriate and effective means to apply for federal jobs.



### **Timeline:**

The subcommittee recommends creating a detailed implementation timeline and agenda in consultation with WHIAANHPI's Interagency Working Group and Regional Network, SBA, Treasury, EDA, and MBDA.

- Host a national launch event around September or possibly October following the budget process.
- Annually convene events in-person in May – June.
- Host events in each of the 10 Regional Network regions<sup>128</sup> and major municipalities/cities and put together an annual plan.
- Subcommittee will suggest the cities to be included and provide list of organizations to partner with for outreach to AA and NHPI communities.

### **Proposed Guidance for Implementation:**

- Cultivate collaborative opportunities between the Regional Network and the Commission to leverage the Commission's expertise, support, and participation in these regional events;
- Commissioners will convene meetings with federal agencies based on areas of focus to leverage their contacts and lead to broader access to federal government as a whole;
- Commission can recommend that the Regional Network create subgroups aligned with the Commission's area of focus;
- Regional Network co-chairs can serve in ex officio capacity in line with the Commission's subgroups and help to hold events to educate the AA and NHPI communities;
- Regional Network co-chairs or region leads with subject matter expertise (SME) could meet with the Commission quarterly to provide feedback; and
- Regional Network members via a task force could be brought on to assist/handle the project, engage, and solve problems identified by all.



## **Recommendation: Increase Federal Contracting Dollars to AA and NHPI Small Businesses**

The Commission aims to broaden access to economic resources and opportunities for AA and NHPI communities, thus empowering them to improve the quality of their lives, raise the standard of living of their families and communities, and more fully participate in our economy by increasing the share of federal contract dollars that go to small, disadvantaged businesses (SDBs), a category that includes many AA and NHPI firms, to 20% by 2025.

### **Background and Rationale:**

The AA and NHPI population is the most rapidly growing ethnic group in the country and is expected to increase to over 40 million individuals by 2060.<sup>129</sup> AA and NHPIs have helped to build a strong and vibrant America. Generations of AA and NHPI individuals, families, and communities are composed of diverse and varied ethnicities, languages, and cultures, and include residents of the United States Pacific Island territories and the Freely Associated States. They play an important economic role, having started businesses and generated jobs that pay billions of dollars in wages and taxes, including founding some of our nation's most successful and innovative enterprises.

As we celebrate the many contributions of the AA and NHPI communities to our nation, we also recognize that AA and NHPI small businesses and enterprises encounter challenges to accessing economic resources and opportunities. Many of the more than 1.9 million AA and NHPI-owned enterprises are small sole proprietorships that need assistance to access available resources such as business development counseling, small-business loans, grants, and government procurement opportunities.<sup>130</sup>

The federal government is the largest purchaser of goods and services in the world, buying everything from software and building construction to financial and asset management and making its procurement a powerful tool to advance equity and build wealth in underserved communities.<sup>131</sup> Despite this, less than 10% of federal agencies' total eligible contracting dollars typically go to small, disadvantaged businesses (SDB), a category under federal law that includes Black-owned, Latino-owned, AA and NHPI and other minority-owned businesses.<sup>132</sup> Moreover, while women own roughly 20% of all small businesses nationwide, less than 5% of federal contracting dollars go to women-owned small businesses. It is no surprise then that increasing federal spending with underserved businesses not only helps more Americans achieve their entrepreneurial dreams, but also narrows systemic wealth disparities.

For this reason, at the June 1, 2022 centennial of the Tulsa Race Massacre, President Biden announced a bold new goal: increasing the share of contracts to small,



disadvantaged businesses by 50% by 2025 – an unprecedented target projected to translate to an additional \$100 billion to SDBs over five years.<sup>133</sup> The announcement built on the President’s Day One Executive Order 13985, which directed agencies to make contracting opportunities more readily available to all eligible firms and to remove barriers faced by underserved individuals and communities.<sup>134</sup>

In addition to increasing the share of contracts that go to small, disadvantaged businesses to 20% by 2025, the Commission also recommends strengthening compliance by all federal agencies, taking steps to ensure contracting opportunities are more readily available to all eligible firms, and removing barriers faced by underserved individuals and communities.

**Proposed Approach for Implementation and Timeline:**

- The President should issue an executive order asking agencies to increase their goals so that the percentage of government-wide spending awarded to small, disadvantaged businesses increases from 5% to 8% in 2022, to 11% in 2023, to 15% in 2024, and to 20% in 2025. This step-by-step increase in procurement goals by agencies will help ensure that 20% of federal contracts go to SDBs by 2025;
- Ensure compliance reporting is established to monitor effective implementation of this order at a biannual basis, at minimum;
- Implement effective ways to increase the number of new entrants to the federal marketplace to reverse the decline in the small business supplier base;
- Require SDB participation in the evaluation criteria for any bid award;
- Enhance marketing and outreach of federal contract programs by translating materials in multiple AA and NHPI languages as applicable for the region;
- Improve the availability of the list of small businesses (available for being subcontractors) to prime contractors;
- Recommend General Services Administration/DOD/SBA/Commerce/HHS/U.S. Trade Representative/RN/other federal agencies provide technical assistance and details of available contracts to AA and NHPI communities across the country through local events, which should include information related to all forms necessary to help small businesses procure federal contracts;
- All procurement evaluation criteria to include a 10% factor for utilization of small disadvantaged businesses in fulfilling the contract.



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