In 1996, a group of national Asian American Pacific Islander (AAPI) civil rights organizations recognized the need for a more unified AAPI voice at the federal level and came together to create the National Council of Asian Pacific Americans (NCAPA). Today, NCAPA has thirty-six members and represents the diverse communities within the broader Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) population—including East Asian, South Asian, Southeast Asian, Native Hawaiian, and Pacific Islander American communities. Our collective footprint through our members’ chapters, affiliates and partners span across the entire country and into three territories.

This policy platform follows a tradition NCAPA began in 2004 to present a comprehensive set of policy recommendations related to the AA and NHPI community. The platform covers issue areas that include, but aren’t limited to, our five policy committees: immigration, civil rights, healthcare, education, and housing/economic justice. This year, we include, for the first time, sections on tech and telecom policy, reflecting the work of the AAPI Tech Table, of which NCAPA is a member. We also acknowledge the threat of climate change and the need for real solutions for our communities who are/will be impacted.

Just prior to publication, the COVID-19 pandemic arrived in the United States. Needless to say, few, if any of us, were prepared for the drastic impact this virus would have on life around the world. Our lives have been so fundamentally disrupted that in some ways, the policy recommendations originally outlined in this document feel strangely disconnected from the new normal of sheltering in place.

Asian American, Native Hawaiians, and Pacific Islanders have all felt the impact of this virus as we find ourselves in the midst of a public health crisis, an impending economic recession, and legitimate uncertainty about how the world will operate when we eventually emerge.

The pandemic has caused anti-Asian xenophobia to rear its ugly head once again as Asian Americans find themselves being attacked and blamed for COVID-19. It is important that leaders denounce racism in all its forms and ensure that all communities have equal access to the opportunities provided to all Americans to rebuild their lives.

The policy recommendations that follow will remain issues for our community once COVID-19 is addressed. However, we ask that readers recognize that Asian Americans have been uniquely impacted by the virus; and the trauma of being targeted and blamed as an outsider in your own country will be carried in different ways by different people. That said, we invite you to engage with us in dialogue and debate about how to not only reach solutions that will help our community, but everyone else as well. This pandemic has tested all of our resolve and commitment to each other. Moving forward, we welcome the opportunity to build an American society that is stronger together.

Sincerely,

Gregg Orton
National Director
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MEMBERS OF NCAPA
EXECUTIVE COMMITTEE

John Yang
Co-Chair
President & Executive Director, Asian Americans Advancing Justice

Alvina Yeh
Co-Chair
Executive Director, Asian Pacific American Labor Alliance

Becky Belcore
Executive Director, National Korean American Service & Education Consortium

Jeff Caballero
Executive Director, Association of Asian Pacific Community Health Organizations

Sung Yeon Choimorrow
Executive Director, National Asian Pacific American Women’s Forum

NCAPA Coalition Map
MEMBERS OF NCAPA
MEMBER ORGANIZATIONS

- APIA Vote
- Asian Americans Advancing Justice | AAJC
- Asian American Psychological Association (AAPA)
- Asian & Pacific Islander American Health Forum (APIAHF)
- Asian & Pacific Islander American Scholars

- Asian Pacific American Institute for Congressional Studies (APAICS)
- Asian Pacific American Labor Alliance (APALA)
- Asian Pacific Partners for Empowerment, Advocacy & Leadership (APPEAL)
- Asian Real Estate Association of America (AREAA)
- Association of Asian Pacific Community Health Organizations (AAPCHO)

- Boat People SOS (BPSOS)
- Center for Asian American Media (CAAM)
- Center for Asian Pacific American Women (CAPAW)
- Council of Korean Americans (CKA)
- Council for Native Hawaiian Advancement (CNHA)

- Empowering Pacific Islander Communities (EPIC)
- Hmong National Development (HND)
- Japanese American Citizens League (JACL)
- Laotian American National Alliance (LANA)
- Leadership Education for Asian Pacifics (LEAP)
MEMBERS OF NCAPA

MEMBER ORGANIZATIONS

National Asian Pacific American Bar Association (NAPABA)
National Asian Pacific American Center on Aging (NAPCA)
National Asian Pacific American Families Against Substance Abuse (NAPAFASA)
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Asian American Professionals (NAAAP)
National Coalition for Asian Pacific American Community Development (NCAPACD)
National Federation of Filipino American Associations (NaFFAA)
National Japanese American Memorial Foundation (NJAMF)
National Korean American Service & Education Consortium (NAKASEC)
National Queer Asian Pacific Islander American Alliance (NQAPIA)
OCA-Asian Pacific American Advocates (OCA)
Payu-ta Inc.
Sikh American Legal Defense and Education Fund (SALDEF)
South Asian Americans Leading Together (SAALT)
South Asian Bar Association of North America (SABA)
Southeast Asia Resource Action Center (SEARAC)
About the Asian American, Native Hawaiian, and Pacific Islander Community

• Asian Americans, Native Hawaiians, and Pacific Islanders (AA and NHPIs) represent over seven percent of the total United States Population. The 22 million and counting AA and NHPIs (including multi-racial and multi-ethnic community members) residing in the United States represent over fifty ethnic groups and speak over 100 different languages in addition to English.

• Between 2000 and 2018, the Asian American population nearly doubled, growing by eighty six percent; the Native Hawaiian and Pacific Islander population grew by sixty eight percent. The Asian immigrant population grew four times as fast as the total population between 2000 and 2017, while the Pacific Islander immigrant population grew twelve percent in the same time period. The largest Asian American populations in the United States include Chinese, Filipino, Indian, Vietnamese, Korean, and Japanese communities. Native Hawaiians and Pacific Islanders trace their ancestry to the original peoples of Hawaii, Guam, Samoa, and other Pacific Islands.
Between 2000 and 2018, the United States citizen voting age population of Asian Americans more than doubled (105%), growing from roughly two and a half percent of total voters to four and a half percent of total voters, or from about 5.6 million people of voting age to 11.5 million. Between 2000 and 2018, the United States citizen voting age population of the NHPI community grew eighty nine percent, reaching nearly one million in 2018.

Asian Americans, Native Americans, and Pacific Islanders have been growing significantly in their political presence, as measured by the growth of registered voters (an average increase of 850,000 every four years since 2000), voters (an average increase of 750,000 voters every four years during the same period), and members of Congress (from five in 2000 to eighteen in 2018). In many states and localities, AA and NHPIs are already five percent or more of the citizen voting age population (CVAP). In seven states, including California and Hawaii, they are over ten percent of the CVAP.
The Asian American, Native Hawaiian, and Pacific Islander communities are among the fastest growing demographic groups in the country. This greater community, as it embraces its growing political and social power, is quickly learning the lessons of the importance of organized mobilization, as well as the nuances of the much longer game of policy making and systemic change.

The diversity of the AA and NHPI community is its strongest asset, as well as one of its greatest challenges. While AAs and NHPIs share a collective identity, there are over 22 million people who can trace their roots to over twenty different countries from East Asia, South Asia, Southeast Asia, Hawaii, and the Pacific Islands. They speak dozens of different languages, and the lived experiences of these peoples can be radically different from each other.

For far too long, the experiences of this community have been largely ignored in policymaking; the NCAPA 2020 Policy Platform aims to change this. NCAPA’s platform aims to provide guidance and recommendations for decisionmakers and the public about the issues that most directly impact the AA and NHPI community:

**COVID-19**

**Stand Against Hate**
Xenophobia and racial scapegoating must be rejected by our leaders, regardless of political ideology. While we should certainly consider the role all world leaders played in preparing and mitigating this crisis, there is clear evidence that capitalizing on fears about China has led to a direct increase in attacks on Asian Americans. Leaders must recognize that if action isn’t taken to deter violent racism, one of the lasting effects of this pandemic will be the ongoing targeting of Asian Americans, especially as the country begins the process of re-opening.

**Ensure Access to Relief**
The Coronavirus Aid, Relief and Economic Security (CARES) Act, despite providing nearly $2 trillion in relief, has provided marginal relief to the AA and NHPI community. Significant implementation flaws have led to many small businesses receiving no emergency aid, and individuals being prohibited from receiving stimulus payments. Simply put: this has left countless AA and NHPI small businesses and families to fend for themselves and this will have devastating, long-term consequences.

**Improve Health Access and Data Collection**
As with recovery programs, language access is critically important for health access as well. Without dedicated federal funding for in-language resources, parts of the AA and NHPI community will remain at risk during the current and future pandemics. Furthermore, the need for disaggregated data for the AA and NHPI community has never been greater—we cannot fully prepare for future pandemics if we do not have the data that reflects how different communities are disproportionately impacted.
Create a Fair & Humane Immigration System
NCAPA calls upon policymakers and leaders to support the following policies: (1) creating a pathway to citizenship for undocumented immigrants currently residing in the country; (2) valuing all families by strengthening the family immigration system; (3) protecting immigrant workers; (4) end unjust detention and deportations by ensuring due process and human rights; and finally, (5) creating a fair system that values all immigrants, regardless of income, education levels, and country of origin.

End Inhumane and Anti-Immigrant Policies
NCAPA stands in firm opposition to the anti-immigrant agenda that has defined the current Administration’s approach to immigration. NCAPA calls for an immediate end to the inhumane detention and family separation policies that continue to be a shameful reflection upon this country. It also demands that leaders take action to counteract the very real harm policies like the new public charge rule has had on immigrant communities. The current Administration has been inflicting deep damage upon this country through its use of fear, including stoking irrational fears of immigrants and using violent policing. Simply put, this must end. This country’s leaders should get back to building a country that is united by its collective values, rather than torn apart by hate.

Disaggregated Data
Disaggregation of demographic data is critical for Asian American, South Asian, Southeast Asian Americans, Native Hawaiian, and Pacific Islander populations. The failure to include detailed data on AA and NHPIs provides a misleading story in the United States. Aggregated data points in health, education, housing, and other issues perpetuate the model minority myth that all Asians are affluent and well-educated. This effectively masks the very real challenges certain groups actually face. When data is disaggregated, a much more complex story emerges. NCAPA advocates for a government-wide disaggregated AA and NHPI data plan that assess and outlines a timeline to incorporate the collection of disaggregated data in all relevant federal programs. This would allow for a deeper understanding of the community and thus lead to better-informed public policy decisions.

Language Access
Language access concerns the ability of individuals, regardless of their proficiency in English, to access their rights to important services. Equal access to government programs and systems is critical for ensuring all individuals in the United States are afforded the same treatment under the law. NCAPA advocates for a full assessment of current language access programs across all government agencies, a subsequent action plan to improve language access at agencies, and calls on lawmakers to ensure that language access be a core component (where applicable) in future legislation.

Commitment to Hiring Asian American Native Hawaiian and Pacific Islander Staff
The AA and NHPI community have consistently been underrepresented in senior staff roles in the White House, in Congress, and across federal agencies. NCAPA calls upon this country’s leaders to build their teams to reflect the people they represent and hire AA and NHPI staff at all levels of their teams. Furthermore, NCAPA believes that AA and NHPI representation amongst senior leadership is especially important and challenge decisionmakers to elevate qualified AA and NHPIs into senior roles.

Immigration

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AA and NHPI Visibility

Disaggregation of demographic data is critical for Asian American, South Asian, Southeast Asian Americans, Native Hawaiian, and Pacific Islander populations.
Civil Rights

Racial and Religious Profiling
The ongoing racial profiling of the AA and NHPI community must end immediately. Whether it is the profiling of South Asian Americans and Sikh Americans, the Muslim Ban, or profiling Chinese American scientists, more attention and care must be given to these issues. The AA and NHPI community should not serve as collateral for structural intolerance or national security fears. NCAPA calls on this country’s leaders to end government-sanctioned, discriminatory profiling practices, and engage with these communities directly to find solutions together.

Hate Crimes
The AA and NHPI community also continue to be targeted by racially motivated crimes. NCAPA advocates for proactive steps to combat hate crimes. These steps include, but are not limited to: (1) stronger enforcement against hate crimes; (2) comprehensive reporting on hate crimes that includes disaggregated data on the AA and NHPI community; (3) a strategy to address hate speech in elections and on social media; and (4) greater resources towards community engagement.

Census and Voting Rights
The integrity of U.S. democracy is at risk so long as voting rights and the Census are continually under attack. NCAPA cannot ignore what appears to be intentional efforts to undermine the core of U.S. democracy. NCAPA calls for: (1) the strengthening of voting rights by restoring Section 5 of the Voting Rights Act; (2) the full enforcement of Section 203 of the Voting Rights Act that requires language assistance in certain jurisdictions; (3) enforcement of Section 208 of the Voting Rights Act that allows Limited English Proficient (LEP) voters to bring in a person of their choosing to assist them in the voting booth; and (4) opposing voter suppression efforts, such as requirements for photo identification and proof of citizenship.

Finally, NCAPA calls on leaders to make an explicit commitment to fully support the 2020 Census and take concrete steps towards ensuring the AA and NHPI community is fully counted.

Health

Addressing Health Disparities
NCAPA recommends that policymakers take action to reduce health disparities by supporting programs that prevent and treat issues relevant to AA and NHPIs, including mental health, hepatitis B, reproductive health, and gender-based violence. It also calls on them to provide an action plan to reduce health disparities, such as strategies found in the Health Equity and Accountability Act.

NCAPA advocates for greater resources to be committed to the Department of Health and Human Services’ Office of Minority Health, as well as a commitment to ensure that AA and NHPIs are included in the strategic vision of the office.

Expand Immigrant Patient Protections and Access
NCAPA calls for actions to ensure that immigration status is not a barrier to health care by; (1) removing restrictive immigration requirements for Affordable Care Act (ACA) and Medicaid eligibility; (2) expanding the number and types of immigrants eligible for health insurance assistance; (3) rescinding the current Administration’s public charge rule that expands the use or potential use of public benefits to include Medicaid, Supplemental Nutrition Assistance Program (SNAP), and federal housing assistance in order to deny an immigrant entry into the U.S. or ability to obtain a green card.

NCAPA also calls for expanding current policies and programs that extend health care access and prohibit discrimination under provisions of the ACA, and for the full extension of federal health programs to Pacific Islander communities in the territories.
Empowering AA and NHPI Workers
NCAPA advocates for the following steps to be taken to protect AA and NHPI workers: (1) expand coverage under the National Labor Relations Act to all workers including those in garment, caregiving, and agricultural industries; (2) ensure workers are being compensated fairly by supporting a living wage of at least $15 an hour and bringing employers, workers, and government together at industry-wide bargaining tables to negotiate wages; (3) protect AA and NHPI immigrant workers whose legal status can make them targets of discrimination, intimidation, and wage theft; (4) strengthen AA and NHPI workers’ ability to unionize and negotiate for better workplace conditions by providing stronger deterrents and fairer remedies for workers who face retaliation, discrimination, or other employer interference.

Support AA and NHPI Students
We advocate for greater support for AA and NHPI students. This includes: (1) ensuring that schools have the capacity to serve these students by including high quality data; (2) increasing resources for English Language Learner (ELL) students; and (3) fully funding Elementary and Secondary Education Act (ESEA) and Higher Education Act (HEA) programs designed to meet the needs of minority, disadvantaged, non-traditional, and AA and NHPI students, especially programs serving ELL students.

Support Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs)
Policymakers should provide increased and sustainable support and funding for the AANAPISI Capacity Building Grant Program. Furthermore, policymakers should ensure that the required thresholds for the AANAPISI Capacity Building Grants are reflective of the changing demographics in the United States.

Defend Affirmative Action
As greater attention is given to high profile lawsuits aimed at dismantling affirmative action policies at various institutions of higher education, NCAPA believes it is important to make clear that the majority of the AA and NHPI community supports affirmative action policies. It recognizes that while some community members may disagree, NCAPA believes a commitment to diversity is essential for creating environments where AA and NHPI students may thrive. It opposes intentional discrimination that targets AA and NHPIs; however, this should not be construed as opposition to affirmative action itself. NCAPA calls on leaders to directly engage with the greater AA and NHPI community to help build the public narrative that AAs and NHPIs should not be used as a “wedge” between other communities of color by those who wish to see an end to affirmative action policies.

Support AA and NHPI Homeownership and Access to Affordable Rental Housing
While AA and NHPIs homeownership has increased steadily over the last eight years, NCAPA believes more should be done to ensure that greater access is given for responsible homeownership, while also supporting access to rental housing. Specifically: (1) increase investment and support affordable rental housing programs for low-income AAs and NHPIs. (2) preserve a federal backstop and role in the housing finance markets; (3) the Federal Housing Finance Agency should explicitly commit to, and provide, an action plan for increased language access in the mortgage market via the GSEs; (4) explore the use of alternative credit data to expand access to credit for traditionally underbanked or unbanked populations.

Protecting AA and NHPI Consumers
Language barriers and lack of linguistically and culturally appropriate resources continue to leave many AA and NHPI consumers vulnerable to predatory or discriminatory lending practices. NCAPA believes additional actions should be taken to ensure AA and NPHI consumers are protected: (1) strengthen data collection on the AA and NHPI community in the mortgage, student loan, and other consumer credit markets; (2) ensure greater AA and NHPI representation on consumer advisory panels at the independent financial regulators; (3) increase resources at financial regulators towards making websites, outreach materials, and legal documents language accessible.
Digital Privacy and Inclusion
The advancement of technology and the internet has fundamentally changed how society function on a daily basis—it has also significantly increased the risks to individuals’ privacy. NCAPA believes that policy must evolve to consider ways to protect data and civil rights on the new digital frontier. The new technologies that are changing everyday life cannot be an equalizer of opportunity if people lack equal access.

Open Internet
While consumer protections are crucial, NCAPA also believes that everyone should have equal access to the internet and digital platforms. It understands that the debate surrounding how to best regulate the internet is complex and welcomes debate; however, NCAPA also believes the following principles must be preserved: no blocking, throttling, or unreasonable discrimination.

Environmental Justice

Centering the AA and NHPI Community in the Climate Change Debate
Extreme weather and climate change are realities that NCAPA can no longer ignore, and while debates continue on the American mainland, the very real environmental impact is already being felt by communities in the Asia Pacific region. While these communities are thousands of miles away, they were once home for many in the greater AA and NHPI community, and in many cases, community members’ have family in the Asia Pacific region. As America confronts the truth of climate change, NCAPA believes that its community's voice should be heard, and families’ experiences be made visible.

Take Action to Confront the Root Causes of Climate Migration
As climate change intensifies, the global community must confront the potential future displacement of millions of people. Bold solutions are required now, as action responding to a crisis that has already arrived, may prove to be too late. NCAPA supports comprehensive approaches to reduce carbon emissions, and the creation of programs that support current and future refugees who have been displaced due to climate change.
The Coronavirus 2019 (COVID-19) pandemic has resulted in over three million cases around the world, and over 234,000 deaths. In the United States alone, there are over one million confirmed cases and an estimated death toll of over 63,000. These numbers continue to grow every day. The economic toll of the virus has been staggering as well, with millions of Americans seeking unemployment benefits every month. The pandemic has altered the American way of life that will likely lead to permanent changes. Anti-Asian racism is on the rise, recovery efforts to date have largely failed to reach the AA and NHPI community, and the need for linguistically and culturally accessible health resources remains. When looking to the future, and to rebuilding, the stakes will be higher to ensure that the AA and NHPI community are included in policy decisions and recovery efforts.

The simple reality is that COVID-19 does not discriminate. It has impacted the entire country; and our national response must embrace that we’re all in this together.

**IMPACT OF COVID-19 on the AAPI COMMUNITY**

**Health**
- Estimated AAPIs represent over five percent of total deaths reported as of April 16, 2020 (aggregated data)
- Pacific Islanders COVID-19 case rate in California is three times higher than the statewide case rate.
- PIs are two percent of COVID-19 cases in California, despite being less than half a percent of the population.

- 1.7 million estimated undocumented AAPIs who are ineligible for federal COVID-19 relief programs.

**Hate Incidents and Impact**
- Over 1900 self-reported anti-Asian hate incidents since mid-March.
- Thirty nine percent increase in AA and NHPI test takers in Mental Health America’s anxiety screening test.

**Workforce and Small Businesses**
- An estimated 2 million AA and NHPI workers work in the healthcare, transportation, and service industries.
- 150,000 Asian Americans work in physician offices or nursing facilities as technicians, assistants, or maintenance staff.
1.1 Stand Against Hate

The impact of COVID-19 has understandably resulted in legitimate fear and uncertainty for nearly every American. Unfortunately, these circumstances have also led to a rise of anti-Asian xenophobia and racism. All across the United States Asian Americans have been harassed, targeted, or even assaulted for being perceived carriers of the virus, or simply being blamed for the virus by individuals seeking to redirect their anger and fear. Since mid-March, it has been estimated that there have been over 1,600 incidents of anti-Asian racism in the United States. Furthermore, elected officials, including the President of the United States and Members of Congress have attempted to lay blame on China for COVID-19, in effect, racializing the virus, which has added to this rise of hate.

Recommendations

- Unequivocally denounce anti-Asian racism as a response to the COVID-19 pandemic. This includes meaningful investment in paid media or other public facing platforms to carry this message. The American people need to hear from leaders that this behavior is unacceptable and won't be tolerated.
- Stop racializing COVID-19. Coining the virus “China virus,” or “Wuhan virus” serves little purpose other than to deflect blame, which has resulted in the targeting of Asian Americans.
- Create a federal taskforce through the Department of Justice and FBI to improve data collection on hate crimes targeting Asian Americans. Increase investments in programs such as the Community Relations Service to strengthen trust and awareness in impacted communities. This includes linguistically and culturally sensitive outreach.

1.2 Ensure Access to Relief

Taking lessons from the 2008 financial crisis, that scale matters when considering recovery efforts, Congress has passed a series of relief bills that have been signed into law in response to the COVID-19 crisis. While over $1 trillion taxpayer dollars have been committed to recovery programs, and trillions more being committed by the Federal Reserve, the impact these efforts have had in reaching everyday Americans is unclear.

Significant structural flaws in program design and implementation have begun to come to light as questions around oversight of these relief programs are legitimately being raised. The Coronavirus Aid, Relief, and Economic Security (CARES) Act created the Paycheck Protection Program (PPP) designed to help small businesses absorb the short-term economic losses created by COVID-19; however, early evidence suggests the small businesses most in need of help, could not access the program. For many AA and NHPI small businesses, being unbanked means traditional banks will not lend to them, and thus, these small businesses are left with little recourse. While Congress has made some important adjustments to this program, without additional support, many AA and NHPI small businesses may cease to exist.

Lack of language access has also exacerbated the community's ability to access relief programs. The COVID-19 crisis and response has been a painful reminder that when poorly designed programs are rolled out on a first-come-first serve basis, immigrant communities will always suffer.

Finally, an estimated 2 million AA and NHPI workers work in the healthcare, transportation, and service industries. Adequate worker protections are necessary; they too deserve access to relief programs. The continued disdain for undocumented
1.3 Improve Health Access and Data Collection

COVID-19 has revealed gaps in the U.S. public health infrastructure that must be addressed moving forward. In addition to improving the general response, testing and preparedness capacities of the country, AA and NHPIs have been uniquely impacted that requires specific attention.

The lack of adequate data collection for the AA and NHPI community has been a longstanding concern that has been exacerbated during this current crisis. Without properly disaggregated data, it is difficult to truly assess the impact this virus has had on the diverse communities within the larger population. Initial reporting suggests that communities of color have been disproportionately impacted by COVID-19. For example, Pacific Islanders in California, are estimated to have a COVID-19 case rate three times greater than the average case rate in the state.

Additionally, critical access points for the AA and NHPI community into the health system require additional and immediate investments. Many community health centers, which serve the most vulnerable populations are struggling to maintain operations due to funding shortfalls despite the initial infusion of funding from Congress. All across the healthcare system, the lack of language access capacity in hospitals and other institutions is resulting in many AA and NHPI limited English patients receiving inadequate care.

Legal barriers have also added to this public health crisis. Millions of immigrants are not currently eligible for Medicaid coverage. Whether or not someone has insurance does not impact the risk of contracting COVID-19; rather, it impacts whether that person has access to care. Widespread testing is a necessity in controlling contagion, and currently, millions of immigrants are uninsured and discouraged from entering the U.S. health system.

Recommendations

- Ensure that all future stimulus programs and COVID-19 resources are translated into AA and NHPI languages.
- Protect AA and NHPI small businesses. The PPP and other relief programs must have dedicated funding that reaches communities of color. Recognize that many immigrant-owned small businesses rely more on Consumer Financial Development Institutions than traditional banks, and are cash-operated or unbanked.
- Create incentives for commercial real estate owners to not displace AA and NHPI small businesses that have been forced to close due to COVID-19. The AA and NHPI community risks losing even more Chinatowns, or other cultural business centers, who have already experienced increased risk of displacement.
- Create adequate worker protections for AA and NHPI frontline workers. The U.S. economy cannot be restored without a healthy labor force. Employers should not be able to threaten the employment of workers before experts have determined that it is safe to responsibly reopen businesses.
- Extend relief opportunities and worker protection to undocumented Asian Americans, Native Hawaiians, and Pacific Islanders.

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1.3 Improve Health Access and Data Collection

immigrants by the current administration will only deepen the impact of the current crisis. Prohibiting access to relief, especially when many undocumented workers remain on the frontlines of providing services to Americans is as shameful as it is shortsighted. Our country cannot fully recover if we have condemned millions of people and their families to navigate these circumstances on their own.

Recommendations

- Provide testing and treatment for immigrants, regardless of status, that does not jeopardize their current or future immigration status. The U.S. cannot properly handle public health crises of this scale if millions of immigrants currently in the country are afraid to come forward.
- Provide funding for health providers to have on-site interpretation services at testing and treatment centers.
- Secure at least an additional $70 billion in support funding for community health centers.
- Ensure funding for translating COVID-19 materials; use the FEMA Language Access Plan as a template for at least 19 language translations.
- Disaggregate data collected on the AA and NHPI community related to COVID-19 cases.
The AA and NHPI community continues to grow at a pace that by some estimates, project it to be the largest immigrant group in the country in a few decades. Despite this growth, and the tremendous contributions the AA and NHPI community continue to make, NCAPA believes more must be done to advance AA and NHPI visibility and access. Policy leaders should commit to hiring staff that reflect the diversity of the community, while also making commitments to ensure that these populations are accurately represented statistically and have greater access to government programs.

2.1 Data Disaggregation

Disaggregation of data is critical for the AA and NHPI community, especially Southeast Asian American, Native Hawaiian, and Pacific Islander populations. The failure to include detailed data on AA and NHPIs has created a misleading narrative about these populations in the U.S. Aggregated data in health, education, housing, and other issues perpetuate the model minority myth that all Asians are affluent and well-educated, and by not allowing for a deeper dive into the differences within subgroups, their struggle is masked. When data is disaggregated, a much more complex story emerges.

Often viewed as homogenous, Asian Americans and NHPIs include more than fifty detailed race groups that can differ dramatically across key social and economic indicators. For example, while only three in fifty Filipino Americans nationwide live below the poverty line, approximately one in four of Hmong Americans are poor. Similarly, about one in two of Marshallese live below the poverty line, while only one in twenty Fijians are poor.

The value of disaggregated data for the AA and NHPI community are not limited to economic data, but also applicable to health disparities, educational attainment and housing. The lack of data disaggregation in nearly every policy context has led to a fundamental failure to provide meaningful solutions for many within the AA and NHPI community, a trend that will continue unless it is addressed directly.

Recommendations

- Create an interagency taskforce to fully implement Office of Management and Budget (OMB) Directive 15 within all federal agencies. The taskforce should: (1) require collection of detailed race and ethnicity data by federal agencies; (2) document procedures for the collection and coding of race/ethnicity data; (3) make this information publicly available; and (4) require federal agencies to justify any exclusion of data for the minimum categories.

- Update OMB standards to modernize the collection of detailed race and ethnicity data. Prioritize the creation of a new classification of Middle Eastern or North African (MENA) and utilize detailed national origin/subgroup checkboxes, allowing respondents to provide multiple national origin identifications under every major racial or ethnic category.
2.2 Language Access

Equal access to government programs and systems is critical for ensuring all individuals in the United States are afforded the same treatment under the law. Meaningful access to government programs and systems requires proper access to interpreters and translated materials for Limited English Proficient (LEP) individuals. LEP individuals are those who report speaking English less than “very well,” as defined by the U.S. Census Bureau.

The AA and NHPI community includes people who speak many languages, with more than 100 languages and dialects spoken in the United States. Seventy-seven percent of AA and NHPIs speak a language other than English at home, more than any other population group. About thirty-four percent of Asian Americans and nine percent of NHPIs experience some level of difficulty in English communication. Additionally, about twenty percent of Asian American households are linguistically isolated, meaning that all members fourteen years or older do not speak English “very well.” Further, disaggregated data demonstrates significant variation in English proficiency amongst AA and NHPI ethnic groups.

**Recommendations**

- Establish a federal taskforce to assess, and make recommendations to improve where necessary, the U.S. government’s current capacity to meet language access needs of immigrant communities.
- All federal agencies should translate all common applications and notices. Those agencies that interact with more LEP populations, such as the Department of Homeland Security, should translate all publicly facing materials, including immigration and customs forms.
- Codify into law Executive Order 13166 into law so it is applicable and enforceable with all federal agencies and commissions and strengthen enforcement of Executive Order 13166.
- Amend the Court Interpreters Act of 1978 to provide an interpreter in all cases in federal courts and expand the scenarios in which courts and agencies are required to provide interpreters, and provide adequate funding for this mandate.

2.3 Commitment to Hiring Qualified Asian Americans, Native Hawaiians, and Pacific Islanders

For many within the AA and NHPI community, opportunities to be promoted into senior leadership or management can be rare. The stereotype of the model minority is consistently used, both consciously and subconsciously, to limit efforts aimed at furthering diversity and inclusion for communities of color. As such, AA and NHPIs are largely missing from leadership roles in government and the private sector.

For example, Leadership Education for Asian Pacifics (LEAP), a member of NCAPA, has conducted research and tracked board diversity at Fortune 500 companies for a number of years. In 2012, it was estimated that AA and NHPIs accounted for only over two and a half percent of board seats at Fortune 500 companies, and that an estimated seventy-seven percent of these companies had no AA and NHPIs on their boards. More recently, in 2018, LEAP’s report with the Alliance for Board Diversity found that while AA and NHPI representation has improved over the years, it still lags behind the rate at which the overall community is growing nationally.

This trend is also observed with regards to hiring and promotion within the federal government and Congress. According to the Office of Personnel Management (OPM), AA and NHPIs made up over six percent of the federal workforce in FY 2016. However, they only accounted for under four percent of the Senior Executive Service (SES), which serves as the leadership and management staff of the federal agencies.
A report by the Joint Center for Political and Economic Studies found that in the U.S. House of Representatives, almost seventy five percent of Members of Congress “do not have any top staff of color even though they represent districts that are over thirty three percent people of color.” The study found that of all the House committee staff director positions and top staff positions in leadership offices, there were no Latinx, AA and NHPIs, or Native Americans. The same study concluded that the AA and NHPI community makes up only around three percent of top House staff, which included personal offices, Committees and party leadership. 31

NCAPA believes these statistics must change as there are countless qualified AA and NHPIs who are worthy of consideration for leadership positions in both the private and public sectors. Without greater representation in these spaces, business decisions will be made that fail to understand the diversity of the community, just as policy decisions will continue to be made that do not account for the community in the solutions they are supposed to provide.

**Recommendations**

- NCAPA calls upon this country’s leaders to build their teams to reflect the people they represent and hire AA and NHPI staff at all levels of their teams.
- The White House should ensure that qualified AA and NHPIs are considered for political appointments throughout the government and at all levels.
- The White House should also review protocols that seek to build the SES pipeline for candidates from communities of color.
- The House and Senate should continue investing in their respective diversity initiatives and report publicly diversity and inclusion statistics. Congressional leadership should commit to hiring qualified AA and NHPIs in senior staff roles.
AAPI experiences are heavily shaped by U.S. immigration policy. Over half of all Asian Americans, and one in six Pacific Islanders are foreign-born. Their immigrant stories are diverse not only in where they come from, but also how they arrived. Many AAPI families trace their immigrant roots over generations, while others came more recently as refugees, and others as part of the skilled workforce.

The U.S.’ current immigration system is in desperate need of reform; and the AAPI community’s experiences must be considered when discussing solutions.

### 3.1 Citizenship for Undocumented Immigrants

About 1.7 million Asian American and Pacific Islanders face continued threats of deportation because of the few channels available for undocumented immigrants to access legal status. Of these individuals, over 100,000 young adults would have qualified for the Deferred Action for Childhood Arrivals program. The five Asian communities with the largest undocumented populations are Indian, Chinese, Filipino, Korean, and Vietnamese.

**Recommendations**

- Support a pathway to citizenship for undocumented immigrants and Temporary Protected Status (TPS) program recipients and reject any efforts to tie such a pathway to expanded inadmissibility bars, such as consideration of juvenile adjudications in determining legal status or non-adjudication gang affiliated standards.
- Prevent Department of Homeland Security (DHS) from utilizing allocated funds to deport DACA, TPS, or DED recipients.

### 3.2 Strengthen the Family-Based Immigration System

Family-based immigration has been a central pillar of America’s immigration system since 1965, creating many of the vibrant and diverse communities in the United States. By allowing citizens and lawful permanent residents (LPRs) to unite with their closest family members in the United States, families are strengthened, and immigrants are provided the support they need to integrate and become successful Americans. Since Asian Americans and Pacific Islanders rely on family-based immigration to keep their families together, they are disproportionately impacted by a system in dire need of reform. They are more likely than other groups to have family members stuck in visa backlogs, some of whom face growing wait times currently between nine to seventy years to immigrate to the United States.

Recent attempts by the current Administration to dismantle the existing family-based immigration system and drastically cut overall legal immigration continue to threaten the unity of immigrant families.

**Recommendations**

- Clear the family and employment-based backlogs through the recapture unused visas from past years to reduce backlogs and allow the rollover of unused visas in the future.
3.3 Prevent Family Separation and Restore Immigrant Due Process

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA), dramatically increasing the number and types of offenses for which immigrants can be mandatorily detained and deported.

Since 1998, over 17,000 Southeast Asian Americans from Cambodia, Laos, and Vietnam have received final orders of removal, with over 2,000 deported. Most of these individuals were very young when they fled Southeast Asia as refugees with their families, and were resettled in poor communities in the United States with inadequate social and economic support systems. Using the expanded definition of a felony under the 1996 immigration laws, many Southeast Asian Americans who committed minor or non-violent crimes as young adults have been retroactively detained and/or deported, despite reforming themselves as adults. By aggressively targeting this community, the current Administration has torn apart families and placed unbearable burdens on those who are left without a spouse, parent, caretaker, or child.

Recommendations

- Halt all deportations until a comprehensive review is completed of all deportation policies and procedures.
- Eliminate the 3-, 5-, 10-year and permanent bars to admissibility.
- Restore judicial discretion of immigration judges to stop deportations in the pursuit of humanitarian purposes to assure family unity, or when it is otherwise in the public interest.
- Oppose any additions of criminal bars or new grounds of inadmissibility to the Immigration and Nationality Act.
- Establish a right to reopen proceedings for individuals who were deported because of unlawful removal orders or because their conviction(s) was vacated.
- Create an opportunity for previously deported immigrants and refugees to return home to the United States.
- Remove the retroactivity of IIRAIRA.
- Ensure all immigrants, regardless of legal status, are provided access to counsel if they are detained or in the deportation process.
- Preserve and increase protections for immigrant survivors of abuse and violence, such as increasing the number of U-visas and T-visas in the Violence Against Women Act (VAWA).
- Establish a five-year statute of limitations for convictions that the Department of Homeland Security can utilize to deport an individual.
- Eliminate the 287(g) program. Immediately suspend the Secure Communities program.
- Mandate disaggregated data collection by participating states and localities to monitor potential indications of racial profiling and rescind delegated enforcement authority from those jurisdictions that fail to properly abide by the terms of enforcement programs.
3.4 End Mandatory Detention

Many within the AA and NHPI community are impacted by this nation’s detention policies. In particular, South Asian, Southeast Asian, and Pacific Islander individuals seeking asylum often face prolonged waiting periods to have their cases heard. Many of these individuals struggle with language barriers while in detention, along with medical neglect and abuse at the hands of U.S. Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) agents.

As of 2018, ICE has detained 4,881 individuals of Asian descent. Of these, 3,013 were South Asian and 230 Southeast Asians. Between October 2014 and April 2018, CBP arrested 12,670 Indians, 1,752 Bangladeshis, 1,744 Nepalis, 659 Pakistanis, 292 Sri Lankans, and two Bhutanese. A recent report from Syracuse University found that “detained immigrants from India had the highest odds of being granted bond—eighty-seven percent during FY 2018, and seventy three percent so far during FY 2019.”

Recommendations

- Consider legislation that would:
  - Require a full review of ICE and CBP detention facilities to hold both agencies accountable for the litany of alleged civil rights violations and abuses occurring and remedy such actions.
  - Mandate noncustodial community-based alternatives to detention for vulnerable populations, including speakers of other languages who do not have interpreters available, and for other populations as needed. ICE and CBP should eliminate the use of solitary confinement of transgender individuals and place such individuals in community supervised release. Improve standards for DHS detention facilities; allow cause of action so individuals injured through violation of detention standards can file a claim in district court; delineate procedures for detaining individuals; and eliminate the $1,500 bond minimum.
  - Exercise oversight on Executive Office for Immigration Review (EOIR) immigration judges. Ensure that all newly hired immigration judges are highly qualified and trained to conduct fair, impartial hearings consistent with due process and are drawn from a diverse pool of candidates that includes a balance of candidates with non-governmental, private bar experience, and government experience.

3.5 Reduce Barriers to Naturalization

Citizenship and naturalization processes are key components of immigrant integration. Unfortunately, the system is not always designed to meet the needs of immigrants, and culturally sensitive and intentional efforts to reach the diverse AA and NHPI community is often lacking.

Asian Americans and Pacific Islanders are among the fastest racial groups to obtain citizenship; however, fifty eight percent of foreign-born Asian Americans and forty seven percent of foreign-born Pacific Islanders have yet to naturalize. Rising fees for immigration related petitions and services, and existing backlogs and administrative errors, create undue delays in processing immigration paperwork and are some barriers to citizenship. In addition, many of the AA and NHPI’s community members—particularly in the South Asian community—have been required to pass lengthy security-related background checks when applying for lawful permanent residency and naturalization. The current Administration’s new denaturalization task force also poses a significant threat to the ability of some AAPI immigrants to stay naturalized.

Recommendations

- Support local, state, and federal policies that ensure English language classes, job training, and welcome centers for new immigrants are accessible to Asian Americans and Native Hawaiian and Pacific Islanders.
- Increase funding for USCIS’ Citizenship and Assimilation Grant Program.
- Expedite security-background check delays plaguing Change of Status applications, and ensure that such checks do not disproportionately target individuals based on their national origin or religious affiliation.
- Appropriate funds to significantly decrease fees for naturalization below 2018 levels and expand fee waivers.
3.6 Restore U.S. Humanitarian Programs

Beginning with the resettlement of Southeast Asian refugees during and after the Vietnam War, the United States has long been a leader in humanitarian aid and refugee resettlement. According to the Pew Research Center, over three million refugees have received refuge in the US since 1975. This country’s continued leadership on this issue has led to the migration of over 1.3 million East Asian, and over 360,000 South Asian refugees into the United States. Asian Americans now comprise over half of the total refugees living here today. However, in FY 2020, the Administration set the refugee admission goal, also known as the Presidential Determination (PD), to a historic program low of 18,000. In addition to the moral imperative that the U.S. help the world’s displaced population, refugees have revitalized communities across the U.S. contributing to growing economies. Efforts must be made to preserve the United States’ history of leadership in the resettlement of refugees.

3.7 Demilitarizing the Border and Sensible Border Protection

U.S. immigration policy must be viewed through a humanitarian framework, designed to provide asylum and opportunity to families fleeing poverty, violence, or repression. To construct a wall on the southern border runs counter to the principles of justice and freedom that this country was founded upon. According to the National Network of Immigrant and Refugee Rights, by shutting down points of entry and putting lethal barbed wire along certain lengths of the border fence, migrants are forced to cross the border in more remote desert areas, resulting in increased deaths. The Coalición de Derechos Humanos reports that since 2000, 3,199 bodies have been recovered from the Arizona desert.

NCAPA supports sensible border enforcement; however, it opposes the Trump Administration’s relentless dehumanization and criminalization of all immigrants. At a staggering estimated cost of $25 million per mile, this money would be better spent on citizenship and naturalization services, humanitarian aid, or a vast array of other programs that actually serve immigrants, including those from the AA and NHPI community.

Recommendations

- Increase the Presidential Determination for Fiscal Year 2021 and beyond.
- Create an annual floor of 95,000 refugees to be welcomed into the U.S.
- Fully fund the Refugee and Entrant Assistance, Migration and Refugee Assistance, Emergency Refugee and Migration Assistance, and International Disaster Assistance accounts to rebuild U.S. leadership on international refugee assistance and domestic resettlement.

- Limit the Executive Branch’s authority to transfer funds between agencies for wall construction.
- Reallocate funding for Customs and Border Protection to smarter, more humane enforcement with robust due process protections.
- Consult with border communities on enforcement of our borders.
3.8 Preserve the Diversity Visa Program

The diversity visa embodies America’s commitment to cultural diversity by every year allowing a small number of people who do not have family members or employers to sponsor them to immigrate to the United States. Diversity visa recipients come from countries with historically low rates of immigration to our country, such as Fiji, Egypt, Nepal, and Iran.50 There have been repeated attempts by Congress and the current Administration to end this program along with family-based immigration and curtailing the refugee program.

Recommendations

• Increase the number of visas available in the program.
• Oppose any efforts to compromise the diversity visa program.

3.9 Decriminalize Migration

Laws criminalizing migration started in 1929 as part of a broader effort to limit immigration from certain parts of the world. In particular, sections 275 and 276 of the INA stemmed from efforts to remove and prevent Mexican immigrants from migrating into the United States. Conviction rates based on these laws have steadily increased and contributed to the continued overcrowding in already crowded federal prisons and waste federal judicial and prosecutorial resources. Additionally, because 275 and 276 classify illegal entry and reentry as criminal offenses, NCAPA believes it directly contributes to the separation of families at the border since adults must be processed for criminal activity and detained. NCAPA stands in solidarity with other immigrant communities who have been impacted by these policies.

Recommendations

• Decriminalize migration by eliminating INA § 275 and 276 (8 USC 1325 and 1326) in their entirety.
Asian Americans, Native Hawaiians, and Pacific Islanders often face bias and discrimination in the workplace, at the polls, in their neighborhoods, in schools, and within the political process. While often being perceived as the “perpetual foreigner,” many AA and NHPIs are often also targeted for their actual or perceived race, national origin, religion, gender, gender identity, sexual orientation, or immigration status. Over recent years, hate crimes and hateful rhetoric against the AA and NHPI community has risen.

It is important to note that many AA and NHPI community members are impacted by intersectional discrimination (for example, individuals who are both LGBTQ and immigrants), thus policy solutions should be made with intersectional identities in mind.

4.1 Fight Hate Crimes, Harassment, and Discrimination

The AA and NHPI community has been facing alarming levels of hate violence and xenophobic political rhetoric, particularly in the lead up to and since the 2016 elections.

In 2017, Federal Bureau of Investigation (FBI) data showed that the number of hate crimes\textsuperscript{51} reported increased to 7,175 from 6,121 in 2016, representing a seventeen percent increase. This was a significant jump from the five percent increase between 2015 and 2016.\textsuperscript{52} Of the 1,679 hate crimes motivated by religious bias, close to nineteen percent were due to anti-Muslim bias, over one percent anti-Sikh, about one percent anti-Hindu, and half a percent anti-Buddhist.\textsuperscript{53} Approximately 4,131 people were victims of racially motivated hate crimes, of which 131 were anti-Asian and sixteen anti-NHPI.\textsuperscript{54}

In the year following the most recent Presidential election (2017), South Asian Americans Leading Together (SAALT) catalogued 213 incidents of hate violence aimed at South Asian, Muslim, Sikh, Hindu, Middle Eastern, and Arab American communities—a forty five percent increase from the 2015-2016 pre-election period. As of April 2019, SAALT has documented 468 incidents of hate violence and xenophobic rhetoric.\textsuperscript{55}

In addition to the lack of comprehensive hate crime legislation, disaggregated data on hate crimes is incomplete and inconsistent. Underreporting of hate crimes by local law enforcement agencies to the FBI remains a major problem, but there is also the lesser known problem of federal agencies failing to report their own hate crime data.

According to ProPublica’s “Documenting Hate” project, thousands of local law enforcement agencies choose not to report hate crime statistics to the FBI at all; of those that do participate, eighty eight percent reported zero hate crimes in 2016 closely mirroring the eighty seven percent who reported zero hate crimes in 2017. A separate ProPublica investigation revealed that 120 federal agencies have not complied with mandates to submit hate crime data to the FBI.\textsuperscript{56} In fact, the FBI itself does not consistently submit the hate crimes it investigates to its own database. Local law enforcement agencies often lack the training, awareness, and funding to effectively report and track hate crimes.
Recommendations

- Expand and enforce strong anti-bias and hate crimes legislation at the state and federal levels. Extend hate crime protections to more people based on categories of sexual orientation, gender identity, disability, religion, and immigration status.
- Pass comprehensive hate crimes legislation that mandates hate crimes reporting.
- Invest in community outreach to educate Asian American and Native Hawaiians and Pacific Islanders about hate crimes, bias-based bullying and harassment, and discrimination, including providing resources for individuals and families affected by bias-based bullying and harassment in languages spoken by the AA and NHPI community.
- Institute anti-racism training for law enforcement at all levels.

4.2 End Racial and Religious Profiling and Discrimination

When government agencies profile the Asian American and Native Hawaiian and Pacific Islander community, they engage in a sanctioned form of discrimination that fosters stereotypes and threatens community safety because targeted groups are less likely to engage with law enforcement. Issues of mistrust and lack of accountability from law enforcement have plagued communities of color for decades, and particularly Muslim, Arab, and South Asian communities following the attacks on 9/11. In addition, with heightened tensions with China, these concerns have extended into profiling of students and individuals in the national security and economic security context as well.

4.3 Concerns of Muslim, Arab, and South Asian Communities

Post-9/11, Muslims and those perceived to be Muslim have been the target of numerous forms of profiling. For example, the National Security Entry-Exit Registration System (NSEERS) required men from predominantly Muslim countries to register with the government. The result: Approximately 13,000 men were placed in deportation proceedings, though none of them were ever prosecuted for a terrorism-related crime. In 2018, the New York City Police Department (NYPD) settled a lawsuit after illegally spying on Muslims for years following 9/11.

The Department of Homeland Security (DHS), Customs and Border Protection (CBP), and the Transportation Security Administration (TSA) also have engaged in discriminatory airport screening practices, such as the disproportionate secondary screening applied to individuals based upon their religious attire or national origin, particularly Sikh and Muslim travelers. Additionally, these practices result in the perpetuation of stereotypes that instill fear and the widespread use of the term “flying while brown.”
When law enforcement engages in racial and religious profiling, it erodes trust among immigrants and communities of color. This means there is less incentive to report hate violence, wage theft, and the numerous other vulnerabilities that law enforcement could actually help address.

On September 24, 2017, President Trump signed the third iteration of Presidential Proclamation 9645 or “Muslim Ban 3.0.” As a result, most people from Iran, Libya, Somalia, Syria, Yemen, and North Korea (and certain government officials from Venezuela) are indefinitely banned from obtaining most immigrant and non-immigrants visas to the U.S. As part of the Muslim Ban 2.0, the Secretary of State called for enhanced screening of nationals of the six countries, including inquiries into social media accounts and extensive biographical and travel information from the last fifteen years. In a 5-4 opinion issued on June 26, 2018, the Supreme Court allowed Muslim Ban 3.0 to remain in place permanently. These devastating policies separate families, further endanger vulnerable populations, and violate civil rights and liberties.

4.4 Profiling of Individuals in Science and Technology

Recently, due to heightened tensions with China, concerns have grown about profiling Asian American scientists and engineers. For example, Dr. Xiaoming Xi and Sherry Chen were prosecuted by the Department of Justice for allegedly sharing secret information with China, only to have their charges dropped. Their cases raised the prospect that the government, motivated by concerns about espionage by the Chinese government, is attempting to ensnare Chinese Americans, which drastically upends their lives.

Chinese and Chinese Americans comprise the majority of cases prosecuted for economic espionage since 2009. By some estimates, one in five may be innocent; for those convicted, sentencing has been twice as long for defendants with Asian names compared to Western ones. Further, Chinese Americans who are federal employees, contractors, fund recipients, or those who require security clearances, have been emotionally impacted by undue suspicions regarding their loyalties. Bias and stereotypes amongst prosecutors, investigators, and federal training guidelines have contributed to profiling and suspicion of Chinese American researchers and scientists.

Recommendations

- Explicitly prohibit racial profiling by federal law enforcement and ban law enforcement practices that disproportionately target individuals for investigation and enforcement based on race, ethnicity, national origin, sex, or religion.
- Require law enforcement agencies to conduct anti-profiling trainings, monitor their activities with respect to race and other protected statutes, and create effective complaint resolution processes.
- Repeal the Muslim ban.
- Amend the Immigration and Nationality Act to prohibit discrimination on the basis of religion and limit any president's authority to enact future bans like the Muslim Ban by imposing more stringent requirements.

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4.4 Profiling of Individuals in Science and Technology

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4.5 Protect Voting Rights

The right to vote, which is the cornerstone of U.S. democracy, must be preserved and expanded for current and future generations. On the state and local level, AA and NHPI voters are proving key in tight electoral races. AA and NHPIs are already five percent or more of the citizen voting age population in eight states, including California and Hawaii, where they are over ten percent of the citizen voting age population. Since 2012, the number of AA and NHPI-serving organizations participating in National Voter Registration Day has increased from 154 to over 317.

Following the dismantling of Section 5 of the Voting Rights Act in 2013, the need for improved language access at the polls, voter suppression tactics, and unfair redistricting have resulted in electoral barriers for the larger AA and NHPI community.

Recommendations

- Restore Section 5 of the Voting Rights Act, which was undermined by the Supreme Court decision in Shelby County v. Holder in 2013.
- Promote access to ballot language assistance for persons with Limited English Proficiency (LEP), including full enforcement of Section 203 of the Voting Rights Act that requires language assistance in certain jurisdictions and Section 208 of the Voting Rights Act that allows LEP voters to bring in a person of their choosing to assist them in the voting booth.
- Oppose voter suppression efforts, such as requirements for photo identification and proof of citizenship, and restore voting rights to individuals with a felony conviction.
- Expand online and same-day voter registration and “no excuse” absentee and early voting.

4.6 Census

The U.S. Census Bureau estimates that 16 million people were not counted in the 2010 Census. Asian Americans, Native Hawaiians, and Pacific Islanders have been undercounted for decades, which has rendered this community invisible in the eyes of decisionmakers and leaders. Today, roughly one in five Asian Americans and one third of NHPI live in hard-to-count census tracts. Some AA and NHPI groups are especially at risk of being missed, especially those that have limited English proficiency and/or are low-income.

When the AA and NHPI community is undercounted, livelihoods are impacted. Many programs that assist these communities rely on census data to determine funding levels. Lack of such data on AA and NHPIs can result in less funding for their locality for vital programs such as the Supplemental Nutrition Assistance Program, Medicaid, and more. The 2020 Census results will also inform the drawing of district lines for Congressional seats, as well as many other state and local seats of power.

Recommendations

- Ensure an accurate count during the 2020 Census. It is vital that all individuals, including non-citizens, are counted. Efforts, such as the proposed citizenship question, that have been shown to have a chilling effect on the participation of hard-to-count populations, including immigrants, must not be part of the implementation of the 2020 Census.
- Ensure the 2020 Census is culturally and linguistically accessible for AA and NHPI communities. Specifically, for the 2020 Language Support Program, remedy its exclusion of Native Hawaiian and Pacific Islander languages and include Cebuano, Chamorro, Chuukese, Marshallese, Samoan, and Tongan, which were supported in 2010 but not included for 2020.
- Make the paper questionnaire available in all of the same languages as the online questionnaire.
- Maintain the American Community Survey and ensure that socioeconomic data points are disaggregated as much as possible. Also invest in outreach and education campaigns to inform people, especially hard-to-reach and hard-to-count populations, about the ACS and why their participation is important.
4.7 LGBTQ Issues

AA and NHPIs continue to face discrimination based on multiple aspects of their identity, including along the lines of gender identity and sexual orientation. LGBTQ immigrants often face unique hurdles in immigration and face challenges based on state actions attempting to limit their rights.

The patchwork nature of current laws leaves millions of people in uncertain positions and subject to potential discrimination based on their gender identity and/or sexual orientation depending on the state they live in. In thirty states, LGBTQ people are at risk of being fired, denied housing, or denied services because of their identity.67

Policymakers should enact stronger protections from discrimination for LGBTQ individuals. At the federal level, Congress should amend existing civil rights laws to explicitly include sexual orientation and gender identity as protected characteristics. It should amend the Civil Rights Act of 1964 to prohibit discrimination in public spaces and services and federally funded programs on the basis of sex. Congress should update the public spaces and services covered in current law to include retail stores, services such as banks and legal services, and transportation services.

**Recommendations**

- Promote protections for LGBTQ individuals to be free from discrimination in school, immigration, housing, employment, and all spheres of life.
- Amend federal civil rights laws to explicitly include sexual orientation and gender identity as protected characteristics.
Everyone should have access to resources and benefits that enable them to live healthy lives. Yet, AA and NHPIs face persistent health disparities due to unequal access to quality health care services and a lack of understanding regarding communities’ unique health needs. Many groups, such as Samoans, Koreans, and Vietnamese, continue to have disproportionately high uninsured rates as well. Although AA and NHPIs experience many serious mental health problems, they have the lowest utilization rates for mental health care among all populations. Moreover, many community members are limited-English proficient and low-income and face further barriers in accessing health care. The following recommendations are a few of the many policy solutions that should be put in place to help AA and NHPIs live healthy lives.

5.1 Build on the Successes of the ACA, Medicaid, and Medicare Towards Universal Coverage

The Affordable Care Act (ACA) has had a meaningful impact on AA and NHPIs. It has resulted in decreased uninsured rates, more affordable coverage through the availability of tax credits, increased eligibility for individuals to have insurance coverage through the expansion of Medicaid, and increased access to care with the requirement for plans to cover preventive care services and screenings. Researchers have found that the ACA virtually eliminated disparities in the uninsured between Whites and many AA and NHPIs. However, some groups, including Samoans, Koreans and Vietnamese, continue to have disproportionately high uninsured rates.

In recent years, due to efforts to undermine the ACA, progress toward decreasing the uninsured rate has stalled, and in some cases reversed, as uninsured rates among NHPIs increased between 2016 and 2017. This lack of continued progress, combined with the fact that AA and NHPIs continue to face discrimination, particularly among women and LGBTQs communities, means action is needed now to improve health care.

Researchers have found that the ACA virtually eliminated disparities in the uninsured between Whites and many AA and NHPIs.

Recommendations

- Reverse actions by the Trump administration that have undermined the ACA. Actions that the Administration has taken include: (1) promoting health plans that do not comply with ACA standards; (2) allowing for discrimination against consumers with pre-existing conditions; and (3) cutting funding for the Navigator program.
- Increase funding for the Navigator program to support community-based organizations who serve as the trusted sources of information and assistance for communities.
- Improve affordability and access under the ACA by: (1) allowing more families to qualify for tax credits so they can afford health insurance coverage; (2) investing more dollars in consumer outreach and assistance; (3) limiting the sale of short-term plans that do not provide comprehensive coverage; and (4) protecting coverage for individuals with pre-existing conditions.
- Fully enforce Section 1557, which prohibits discrimination on the basis of race, color, national origin (including English proficiency), sex (including gender identity), age, or disability. Clarify that discrimination based on sexual orientation is a form of sex discrimination, consistent with interpretations by the Equal Employment Opportunity Commission (EEOC).
Recommendations

• Prohibit state Medicaid waivers that implement work requirements, premiums, partial expansion and other actions that are not in line with the purposes of the Medicaid program.
• Reverse the Trump Administration's approval of waivers that permit states to impose burdensome requirements that make it more difficult for low-income families to obtain Medicaid or other essential health benefits.

5.2 Ensure that Immigration Status Is Not a Barrier to Health

The current policy and political environment have created unprecedented fear in immigrant communities, leading to detrimental impacts on the health of immigrant families. According to the Kaiser Family Foundation, fear and toxic stress are leading to mental health problems, increased isolation and decreased use of health care in these families. Health care, Women Infant and Children (WIC), and Supplemental Nutrition Assistance Program (SNAP) providers have reported immigrant disenrollment due to fear of anti-immigrant policies.

Some of the specific barriers impacting immigrants include:

• The Trump Administration’s expansion of the “public charge” definition threatens immigrant families’ and U.S. citizen immigrant family members’ ability to gain lawful permanent resident status (green card) if they use government benefits to obtain health care (Medicaid), food (SNAP or “food stamps”), housing (Section 8 voucher or rental assistance), or other types of assistance. The Administration is also considering using this expanded “public charge” definition for deportability considerations, exacerbating fear and mental health challenges among immigrants and their families;
• A five-year waiting period for many types of immigrants, including lawful permanent residents (or “green card” holders), before they can become eligible for Medicaid or Children's Health Insurance Program (CHIP) coverage;
• Immigration and Customs Enforcement (ICE) raids and/or other immigration enforcement at schools, hospitals, community health centers, and other sensitive locations.

Recommendations

• Reverse the Trump Administration’s regulatory expansion of “public charge” by directing the Department of Homeland Security to rescind the USCIS rule Inadmissibility on Public Charge Grounds. Reject any effort by the Department of Justice to expand public charge considerations for deportation.
• End anti-immigrant executive policies, such as family detention, separation at the border, and a Presidential proclamation requiring new immigrants to demonstrate that they will obtain health insurance or have resources to pay for out-of-pocket medical care within 30 days of entry. End all immigration enforcement actions at sensitive locations, including hospitals, community health centers, and schools.
• Remove the five-year restriction on eligibility for Medicaid, CHIP, SNAP, and other public health programs for all lawful permanent residents under the Personal Responsibility and Work Opportunity Reconciliation Act.
• Remove restrictive immigration requirements for Affordable Care Act eligibility and allow undocumented immigrants, including those who have been granted any form of federally authorized presence, such as Deferred Action for Childhood Arrivals (DACA), access to the ACA’s health insurance marketplaces. Additionally, consider those who have been granted DACA as lawfully present for eligibility for the ACA’s tax credits, subsidies, Medicaid, and Children’s Health Insurance Program (CHIP).
5.3 Eliminate Health Disparities and Improve Access to Services

The U.S.’ federal health system fails to enumerate disaggregated data on AA and NHPIs, which makes it difficult to understand the rich diversity of languages, cultures, and experiences in the AA and NHPI community and wide variation in health needs. Often data collection is limited to broad categories with aggregated data historically concealing significant health disparities within AA and NHPI groups.

For example, many Southeast Asian Americans suffer disproportionately from hepatitis B, which can lead to cirrhosis, liver cancer, and liver failure. Hmong and Vietnamese women are at higher risk of cervical cancer than other racial/ethnic groups.72 Because so many community members are limited-English proficient and low-income, many families struggle to access the care they need to treat these urgent and chronic conditions.

With respect to mental health, AA and NHPI communities often underutilize mental health care due to language barriers and cultural stigma. AAPI women over age sixty-five have the highest rates of suicide, Bhutanese have a suicide rate that is twice the national average (over twenty-four per 100,000 vs. over twelve per 100,000), and Native Hawaiian youth have higher rates of suicide attempts than all other adolescents in Hawaii. Cambodians have much higher rates of depression (sixty eight percent) and PTSD (thirty seven percent) compared to the general population (ten percent and three percent respectively).73

Since 9/11, there has also been a steady increase in anti-Muslim sentiment and acts of violence, which directly affects the mental and emotional health of many AA and NHPI groups.

Recommendations

- Support initiatives to reduce health disparities, enhance culturally and linguistically appropriate care, and incentivize a diverse healthcare workforce. Improve data collection, analysis and reporting of all public health insurance program data, including regularly published data disaggregated by race and ethnicity. Ensure collection and publishing includes data from hard to reach populations, such as the U.S. territories and Native Hawaiians.
- Oppose efforts to cut funding and support for culturally and linguistically appropriate health and mental health programs, such as the Centers for Disease Control and Prevention Racial and Ethnic Community Approaches to Health (CDC REACH) program.
- Require the Substance Abuse and Mental Health Services Administration (SAMHSA) to develop partnerships with local AA and NHPI advocacy and behavioral health organizations to engage in strategies to increase awareness of symptoms of mental illness common among AA and NHPI populations, provide linguistically and culturally appropriate interventions, and encourage individuals and communities to use a comprehensive, public health approach when addressing mental and behavioral health.

5.4 Address Hepatitis B in the United States

Up to 2.2 million people in the United States are infected with hepatitis B, including one in twelve AA and NHPIs; yet up to two-thirds of these individuals are unaware of their hepatitis B status.74 AA and NHPIs are disproportionately affected by hepatitis B infection, accounting for over fifty percent of hepatitis B cases nationally.75 Moreover, hepatitis B-related liver cancer is the leading cause of death among AAPIs.

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Nationally, there have been several instances of local increases in the number of new hepatitis B cases, including a 729 percent increase in hepatitis B infections in Maine from 2015 to 2017, a 114 percent increase in Kentucky, Tennessee, and West Virginia from 2009 to 2013, and a sixty two percent increase in North
Carolina from 2012 to 2016. Despite universal hepatitis B vaccination recommendations for children, which have been in place since the mid-1990s, only twenty five percent of adults are vaccinated against hepatitis B. In order to end hepatitis B transmission and achieve hepatitis B elimination, it is necessary to scale up initiatives to increase hepatitis B vaccination in coordination with increased hepatitis B testing and linkage to care.

**Recommendations**

- Increase funding aimed at addressing hepatitis B, particularly support for a national adult hepatitis B vaccination campaign, as well as increased hepatitis B testing and linkage to care. Support increased appropriations of at least $134 million in funding for the CDC’s Division of Viral Hepatitis.
- Oppose instances of institutional discrimination, including discriminatory DOD discharge policies, against those living with chronic hepatitis B, due to their hepatitis B status.
- Ensure that individuals living with chronic hepatitis B to have continuous access to hepatitis B medications, regardless of financial status, and oppose the practice of adverse drug price tiering for medications used to treat chronic hepatitis B.
- Support federally qualified health centers and expand access to preventive services, including vaccination, testing, treatment, linkage to care, and support for hepatitis B, tuberculosis, diabetes, HIV/AIDS, and cancer.

5.5 Promote Reproductive Health and Rights

Though the landmark Supreme Court decision in Roe v. Wade legalized abortion, access to abortion care in the last four decades has not been realized for many, especially low-income women and women of color. The Hyde Amendment, which denies federal Medicaid coverage of abortion services, makes it difficult and often impossible for many low-income Asian American and Pacific Islander women to exercise their right to make decisions about their reproductive health. Nearly one in five women of color rely on Medicaid. The program is particularly important for Southeast Asian and Pacific Islander women. For example, sixty two percent of Bhutanese women, forty three percent of Hmong women, and thirty two percent of Pakistani women currently receive their insurance through Medicaid. Since January 2017, multiple legislative and administrative efforts to limit abortion access have been made, making it more difficult for employers and insurance plans to cover abortion under private insurance plans.

In addition to abortion restrictions, the Trump Administration has imposed barriers on women, particularly women of color and low-income women, in accessing contraception and family planning services by issuing a “gag rule” undermining Title X, the nation’s federal family planning program specifically serving low-income communities. These efforts to restrict access have severely restricted AA and NHPI women’s bodily autonomy and their ability to decide if and when to raise or grow a family.

**Recommendations**

- Support a person’s right to access abortion care by removing abortion bans at the state and federal levels and by lifting bans that deny abortion coverage in public and private health insurance.
- Reverse administrative actions that have restricted access to affordable contraception, including rules that enable employers to exercise religious objections to contraceptive coverage, undermine public health programs for family planning, and do not guarantee coverage of contraceptive services in private health insurance.

5.6 Improve Native Hawaiian and Pacific Islander Health

Native Hawaiians and Pacific Islanders (NHPIs) have cultural and historical challenges that contribute to unique health disparities and added need for chronic disease management. Though improvements have been made to address NHPI health, these groups continue to suffer from high mortality rates and significantly higher rates for chronic diseases compared to other groups nationally. Native Hawaiians and Pacific Islanders have higher prevalence of obesity, diabetes, high blood pressure, depression,
and adolescent suicide.\textsuperscript{81} Other social factors that impact NHPI health and well-being include high rates of incarceration, reliance on public assistance, unemployment, and low educational achievement. These social determinants of health compel investigation upstream to identify and address root causes, and to engage in education and prevention earlier in an individual's life.

Additionally, federal policies and laws exacerbate health challenges in the Pacific territories of American Samoa, Guam, and the Northern Mariana Islands, as well as in the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. For example, Americans living in the territories do not have equitable access to Medicaid due to federal laws that limit reimbursement rates and cap federal funding to the territories. The Freely Associated States are also challenged by long-term health effects of U.S. military nuclear testing and continued military activity in those countries, and FAS citizens residing in the U.S. under the Compacts of Free Association (COFA) agreements are categorically ineligible for Medicaid.

**Recommendations**

- Strengthen and reauthorize the Native Hawaiian Health Care Improvement Act through FY 2029 to provide better access to health care services and community programming, increased representation of Native Hawaiians in health care professions, and availability of traditional healing and other complementary practices. Ensure impacted communities are consulted as meaningful stakeholders throughout the legislative and implementation process.

- Remove inequitable funding caps and federal reimbursement limits for the U.S. territories (American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and extend eligibility for health programs, including permitting Medicaid disproportionate share hospital (DSH) allotments for the territories.

- Support state-like treatment that eliminates the territories’ Medicaid funding caps and provides equitable federal reimbursements for Medicaid expenditures.

- Restore Medicaid eligibility for citizens from the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau who live in the United States pursuant to the Compacts of Free Association (COFA) agreements between the U.S. and those countries. Due to a legislative error in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), COFA citizens living in the U.S. have been categorically ineligible for Medicaid.

- Renew and improve the Compacts of Free Association with the Federal States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, which are up for renewal in 2023.

**5.7 End Gender-Based Violence**

An estimated twenty one to fifty five percent of Asian women in the U.S. report experiencing intimate physical and/or sexual violence during their lifetime.\textsuperscript{82} They also experience high rates of gender-based violence, which is defined by the United Nations as “physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.” For the AA and NHPI community, gender-based violence is also impacted by cultural context and barriers that can contribute to different experiences for immigrant, refugee, LGBTQ, Muslim, and other specific groups.

**Recommendations**

- Reauthorize the Violence Against Women Act (VAWA) and the Family Violence Services and Prevention Act (FVPSA).

- Fund culturally and linguistically appropriate outreach, awareness, prevention, and services to address gender-based violence. Restore asylum protections for victims of domestic violence, sexual assault, and other forms of gender-based violence by reversing administrative actions that limited the ability of these victims to apply for asylum in the U.S.

- Provide victims of domestic violence, sexual assault, and other crimes protection from deportation while their visa applications are pending.

- Provide sufficient resources and guidance for USCIS to process visas for victims of domestic violence, sexual assault, human trafficking, and other crimes and VAWA self-petition applications in a prompt and timely manner and provide access to employment authorization within six months of application.
AA and NHPI students and families face diverse educational challenges in K-12 and higher education. These include disparities in accessing high quality educational opportunities, and a lack of culturally competent and linguistically appropriate outreach. Many groups, including Cambodian, Vietnamese, Hmong, Laotian, and Pacific Islander Americans have lower levels of educational attainment, and many communities are low-income. As the AA and NHPI community is the fastest growing racial and ethnic group in the U.S., it is important that AAs and NHPIs have the appropriate resources in schools to learn. The following recommendations are a few of the many policy solutions that should be put in place to advance educational opportunities for AA and NHPI students.

6.1 Support Affirmative Action

The narrative that Asian Americans oppose affirmative action exists in order to drive a wedge between AA and NPHIs and other communities of color, and AA and NHPIs oppose being used in divisive ways. Affirmative action helps to ensure that U.S. universities, especially highly selective universities, remain accessible to students of all backgrounds.

Contrary to the “model minority” myth, not all Asian Americans are well-educated or have achieved academic success. While about half of all Asian Americans have a bachelor’s degree or higher, disaggregated data show that twenty seven percent of Vietnamese Americans, seventeen percent of Hmong and Cambodian Americans, fourteen percent of Laotian Americans, and eleven percent of Bhutanese Americans have reached this level of educational attainment. While twenty eight percent of the total population has a bachelor's degree, about eighteen percent of Native Hawaiians and Pacific Islanders have a bachelor's degree. Marshallese and Samoan Americans are among the least likely to have a bachelor's degree.

Native Hawaiian, Pacific Islander, and Southeast Asian American students have the most to gain from affirmative action policies. Further, according to decades of research, all students, including Asian American and NHPI students, benefit from educational institutions intentionally creating diverse teaching and learning environments.

While there is opposition to affirmative action within the AA and NHPI community, this opposition comes from a small minority. According to a recent survey conducted by APIAVote and AAPI Data, the majority of Asian American registered voters support affirmative action. Specifically, fifty eight percent of Asian Americans believe that “affirmative action programs designed to increase the number of black and minority students on college campuses are ‘a good thing,’” and sixty six percent favor affirmative action programs designed to help African Americans, women, and other minorities get better access to higher education.

Recommendations

- Support diversity, inclusion, and equal opportunity in higher education—specifically preserving the consideration of race as a factor in admissions decisions—as beneficial to all students, including Asian Americans, Native Hawaiians, and Pacific Islanders, in a diverse society, as well as those students who face barriers to higher education, which includes AA and NHPI subgroups.
6.2 Support the Asian American and Native American Pacific Islander Serving Institutions Program

Authorized by the Higher Education Opportunity Act of 2008, the Asian American and Native American Pacific Islander Serving Institutions (AANAPISI) program increases the self-sufficiency of eligible higher education institutions by improving academic programs, institutional management, and fiscal stability. AANAPISI seeks to increase participation and academic attainment of all low-income, high-needs students, and serve communities with high poverty and limited-English proficiency rates. AANAPISIs serve roughly forty percent of AA and NHPI students nationwide and confer nearly half of associate degrees and a quarter of bachelor’s degrees to AA and NHPI students every year.\(^7\)

**Recommendations**

- Provide increased and sustainable support and funding for the AANAPISI Capacity Building Grant Program.
- Ensure that the required thresholds for the AANAPISI Capacity Building Grants are reflective of the changing demographics in the United States.
- Leverage existing knowledge and expertise of the AANAPISI program to increase awareness about the needs of AANHPI students in higher education, and strategies to alleviate these needs.
- Pursue new research on the AANAPISI program to provide information about best practices and challenges so that the program is best utilized to support students.
- Permanently reauthorize the mandatory funding for the AANAPISI Program.
- Support the creation of a new MSI funding stream that is available to institutions of higher education that would qualify and aims to serve more than one MSI population.

6.3 Improve Access to Higher Education: Minority Outreach Programs

Many of the barriers the AA and NHPI community faces in elementary and secondary education also lead to barriers in accessing higher education. For many AA and NHPI students from low-income, refugee communities, these students can struggle to bridge the gap between aspiring to attend college and achieving this goal. Because they may represent the first in their families to pursue college, they may also lack awareness of and resources on how to navigate admissions processes. By increasing support for programs, the diverse AA and NHPI community can receive the resources necessary to help overcome these barriers.

**Recommendations**

- Increase support for programs such as GEAR UP and TRIO.

6.4 Support Undocumented Students Access to Higher Education

Many undocumented students have lived in the United States for most of their lives. However, due to their immigration status, these students are unable to continue to pursue higher education. On a daily basis, undocumented students live in fear of deportation and while the Deferred Action for Childhood Arrivals (DACA) has provided temporary relief to nearly 700,000 immigrant youth, AA and NHPI participation rates are low.
While sixty-eight percent of eligible youth from Mexico have applied and are participating in the program, only fifteen percent from the Philippines, thirteen percent from India, three percent from Thailand and China, and one percent from Vietnam of eligible youth have applied and are participating in the program. The Center for American Progress has found that since the announcement from the Trump Administration to stop the DACA program, more than 20,000 DACA recipients have already lost their work permits and deportation protections.89

### DACA Participation Rates

<table>
<thead>
<tr>
<th>Country</th>
<th>Participation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEXICO</td>
<td>68%</td>
</tr>
<tr>
<td>PHILIPPINES</td>
<td>15%</td>
</tr>
<tr>
<td>INDIA</td>
<td>13%</td>
</tr>
<tr>
<td>THAILAND</td>
<td>3%</td>
</tr>
<tr>
<td>CHINA</td>
<td>3%</td>
</tr>
<tr>
<td>VIETNAM</td>
<td>11%</td>
</tr>
</tbody>
</table>

**Recommendations**

- Provide students a pathway to citizenship and remove barriers for these students to go on to college and work legally in the United States.
- Restore the authority of states to provide higher education benefits to all students.
- Require that higher education institutions that accept federal funds must provide undocumented students the opportunity to enroll at their universities.

### 6.5 Build and Preserve the Capacity of Schools to Serve AA and NHPI Students

AA and NHPI students face a shortage of resources and services to meet their needs. In recent years, federal funding has been limited for many programs that directly impact the education of AA and NHPI students. These include programs that serve low-income and disadvantaged students by strengthening teacher quality, English-language acquisition, as well as safe and drug-free schools.

Many of AA and NHPI students do not have access to well-resourced public schools because their schools are often chronically underfunded, understaffed, and unsupported. On average, school districts serving mostly students of color receive $2,226 less per student than school districts serving mostly white students, and lower performing schools are concentrated in higher poverty areas with more students of color.

Under the Every Student Succeeds Act (ESSA), states are required to identify schools with underperforming subgroups of students for three levels of support or improvement: comprehensive support and improvement (CSI), additional targeted support and improvement (ATSI), or targeted support and improvement (TSI). Because school improvement strategies disproportionately impact students of color, states and districts must ensure that their strategies do not leave behind the most vulnerable students.

**Recommendations**

- Fully fund Elementary and Secondary Education Act (ESEA) and Higher Education Act (HEA) programs designed to meet the needs of minority, disadvantaged, and AA and NHPI students, especially programs serving English Learner (EL) students.
- Require that at-risk students, including EL students, are closely monitored and supported to ensure that such students are not illegally discharged or pushed out during school improvement processes.
- Ensure that restructuring does not reduce the number of seats available in a particular school and that new schools enroll and serve the student populations of the communities in which these schools are located.

### 6.6 Support English Learner Students

English Learner (EL) students can come from a variety of language backgrounds. Some can come from households where some English is spoken, or where no English is spoken. Approximately one in ten of the nation’s public K-12 enrollment is an EL student. In many school districts, Spanish is the predominant language spoken by most EL students. But, if the number of ELs speaking Asian languages is aggregated, it can also be a predominant language block in some school districts, especially those in urban
areas. For example, in California’s Alhambra Unified School District during the 2018-2019 school year, twenty eight percent of EL students spoke primarily Spanish, while thirty one percent of ELs spoke primarily Mandarin.95

AA and NHPI people demonstrate incredible linguistic diversity. Nationwide, seventy seven percent of Asian Americans and forty three percent of Native Hawaiian and Pacific Islanders speak a language other than English at home.96 Moreover, AA and NHPIs face the highest rates of limited English proficiency of any race or ethnic aggregate group.97 Nearly one out of every four AA and NHPI students is an EL, or lives in a linguistically isolated home.98 There is a clear need for language resources specific for ELs that speak Asian languages, especially for languages spoken in Southeast Asia in large urban districts.

**Recommendations**

- Require schools and districts to provide robust educational programs for EL students.
- Require State Education Agencies (SEAs) to identify AA and NHPI languages of significance and provide incentives for states to develop and use native language assessments for EL populations. SEAs should determine mandated use based on population triggers at the district or county level.
- Encourage school districts to improve the processes for assessing newly enrolled students for EL services and for identifying when EL students become proficient in English.
- Promote improved EL family engagement, such as honoring diverse forms of parent knowledge, providing additional resources like interpreters, language appropriate materials, flexible meeting times, and accommodating unique needs arising from differences in immigration status.

**6.7 Improve Teacher Preparation and Diversity in the Teaching Profession**

For example, five percent of students identified as Asian/Pacific Islander in 2015-2016, but only 2 percent of teachers identified as Asian, and the number of Pacific Islander teachers were so few that they rounded to zero.99 The largest gap is in California, where AA and NHPIs make up over eleven percent of the students in elementary and secondary schools, but AA and NHPI educators comprise only over seven percent of the teaching force.100 Without addressing these shortcomings, these gaps will remain.

**Recommendations**

- Provide resources in Title II of the Higher Education Act and Title II of ESEA for pre-service and in-service teacher education and professional development programs so that the linguistic, cultural, and other needs of AA and NHPI students can be more adequately addressed.
- Under Title II of ESEA, require local education agencies to provide all teachers (regardless of subject area), administrators, and staff that work directly with EL students with professional development, so that they may better understand the diverse needs of EL and other different language learners.
- Create and fund programs that increase the number of bilingual educators and the ability of all educators to teach students with limited English proficiency.
- Under Title II of the Higher Education Act, promote and support recruitment and professional development of a diverse multicultural and multilingual teacher workforce that reflects and represents student demographics.
6.8 Create Safe Environments for All Students

AA and NHPI students are particularly vulnerable to bullying, intimidation, and discrimination from their fellow students. Close to three percent of public schools reported student racial/ethnic tensions happening daily or at least once a week. Roughly seven percent of Asian American students between ages twelve and eighteen reported being bullied in 2017, and they experience bullying in multiple forms, including physical, verbal, and social bullying, which are often based on harmful stereotypes about students’ culture, religion, or language proficiency. However, AA and NHPI students may hesitate to report bullying because they fear an inadequate or inappropriate response from school staff, which can range from non-responsiveness to blaming the victim to even contributing to the bullying.

Gender further jeopardizes the safety of AA and NHPI students, and forty to sixty percent of AAPI women experience physical or sexual violence in their lifetime. AA and NHPIs who are LGBTQ also face discrimination and violence based on their multiple marginalized identities, including from their own families and communities. Moreover, the Trump Administration continues to violate the fundamental rights of trans youth, from rolling back Title IX protections to instituting discriminatory policies in housing, health care, employment, and more.

Recommendations

- Strengthen Title IV, Part A, of the ESEA covering “Safe and Drug-Free Schools and Communities” by requiring schools to take additional steps to prevent, keep records of, and report bullying and harassment, and to educate school staff and students about these issues.
- Districts should keep and publicly release data that is disaggregated by ethnicity, EL status, and gender.
- Reject policies to arm teachers and school staff.
- Enforce existing Title IX protections and expand Title IX to ensure that it protects all genders from discrimination and violence.

6.9 Strengthen the Department of Education’s Office for Civil Rights

The purpose of the Office for Civil Rights (OCR) is to serve students and institutions that may be facing discrimination through compliance reviews and technical assistance. AA and NHPI students and parents, especially in limited English households, may not be aware of this resource.

For more than thirty-five years, civil rights advocates effectively used Title VI regulations to dismantle segregation and quash discriminatory practices. However, in Alexander v. Sandoval, the United States Supreme Court held that individuals could no longer bring private lawsuits to enforce disparate impact regulations, restricting that enforcement authority of government agencies. This decision severely undermines the AA and NHPI community’s ability to seek justice, putting children and the quality of their education at risk.

Recommendations

- Review and identify ways to broaden OCR’s ability to initiate more compliance reviews under Title VI of the Civil Rights Act.
- Empower OCR regional offices to pursue more discrimination and harassment claims.
- Encourage OCR to partner with community-based organizations on outreach and education to the AA and NHPI community to build greater awareness of OCR’s functions and the availability of assistance in different languages.
- Restore the ability of individuals to directly challenge practices that have racially inequitable outcomes using the disparate impact legal standard.
6.10 Protect Immigrant Access to K-12 Public Education

The landmark United States Supreme Court decision of Plyer v. Doe guarantees the right to K-12 education for children regardless of their immigration status. This case provides that a school may not deny initial admission to a student, or subsequent access, based on their immigration status.

Despite this ruling, many undocumented immigrant students are being denied access to schools, either due to blatant discrimination, or due to misinterpretation of the law. States with significant AA and NHPI populations, such as Arizona, Georgia, and Virginia, have attempted to enact laws to undermine this ruling. They have also attempted to gain immigration-related information from their students to make determinations related to their ability to access public education, thus creating harmful barriers for vulnerable children.106

Recommendations

- Enforce the Plyer v. Doe ruling to preserve the rights of access to public education for undocumented students.
- Enforce the Family Education Rights and Privacy Act (1974), which prevents public schools from providing any outside agency, including the Department of Homeland Security, with any information from a student’s school file that would expose his or her immigration status without first receiving permission from the parents.
- Oppose state-legislation that attempts to dismantle access to K-12 education for undocumented students or create a chilling effect on student enrollment.

6.11 Inclusion of AA and NHPIs in Curriculum

Inadequate attention is paid to history and contributions of AA and NHPIs. By excluding this significant information, all students are led to the perception that this population remains somehow foreign and has not contributed to the American story.107 Students, regardless of their background, can learn from an expanded curriculum that reflects the diversity of the students it serves. In addition, this allows for AA and NHPI students to appreciate their own histories and accomplishments, thus raising their own self-worth, as well as that of their communities.

Recommendations

- Encourage and support the inclusion of AA and NHPI history, cultures, and languages in school curricula at all levels.
- Include more literature by AA and NHPI authors in English classes. Promote cultural history.
- Require educational institutions to build relationships with AA and NHPI stakeholders, community leaders/organizations, families, etc.
HOUSING AND ECONOMIC JUSTICE

Like many communities, the American Dream for many AA and NHPIs is owning a home and having a well-paying job to support their families. And while certainly true that many within the community have thrived and achieved great success, it is also equally true that millions of AA and NHPIs continue to struggle—according to Pew Research Center, the AA and NHPI community has the greatest gaps in income inequality in the United States of America.108

7.1 Encourage AA and NHPI Homeownership

Despite the AA and NHPI community’s population growth, AA and NHPI homeownership rates still trail the national average by around twelve percent,109 as the community still face barriers to owning their own home. Despite conventional wisdom that all AA and NHPIs are high earners enjoying economic success, the reality is that parts of the community were targeted by predatory lenders and subsequently impacted by the collapse of the housing market in 2007. And while the market has strengthened significantly, NCAPA believes additional efforts should be taken to encourage AA and NHPI homeownership.

7.2 Encouraging the Responsible Use of Alternative Credit

As a predominantly immigrant community, many AA and NHPIs lack the credit history needed to build the strong credit records necessary to be approved for traditional mortgage lending. Some AA and NHPI borrowers are low-income and have not been able to access credit in the traditional sense, while others simply have not resided in the United States long enough to build their credit histories. Finally, other families in the community come from cultures where acquiring debt is not encouraged. This leaves countless borrowers with thin credit files, which makes it difficult for them to purchase homes. Currently, payments such as utilities, phone, and other bills that clearly demonstrate the ability to pay monthly costs are not considered when building one’s credit score. Therefore, the need for alternative and responsible ways of assessing AA and NHPI borrowers’ creditworthiness is critically important.

Recommendations

- Reauthorize the alternative credit pilot program at the Federal Housing Administration (FHA) established under Section 2124 of the Housing and Economic Recovery Act of 2008.
- Require Freddie Mac and Fannie Mae to further investigate the use of alternative credit data for the purposes of assessing a borrower’s creditworthiness when purchasing a home.

7.3 Government Sponsored Enterprises (GSE) Reform and Language Access

Government sponsored enterprises, Fannie Mae and Freddie Mac, are critical pieces of this country’s mortgage finance infrastructure. As recently as 2017, GSEs held or insured the majority of mortgages in the United States. Following the financial crisis of 2008, long overdue scrutiny and reforms were imposed on the industry; however, the GSEs were left largely unchanged. To date, they remain in conservatorship and are regulated by the Federal Housing Finance Agency (FHFA).

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While there have been a few legislative attempts to provide lasting reforms to these entities, finding a viable solution that can pass Congress remains elusive. Nonetheless, given their importance, the issue of GSE reform is not going to go away, and therefore, it is important that the AA and NHPI community not be forgotten in the debates to come.

**Recommendations**

- Preserve the GSE’s duty to serve families with very low, low, and moderate-income in historically underserved markets. Ensure that AA and NHPI communities are explicitly accounted for in strategic plans towards meeting this duty to serve.
- Build on the FHFA’s Language Access Multi Year Plan includes additional language translations for the AA and NHPI community. Additional resources should include: (1) a dedicated, in-language phone line; (2) a checklist of important items to remember or consider when seeking a mortgage; and (3) in-language materials outlining a step-by-step breakdown of the mortgage process.
- Restore the language preference on the Uniform Residential Loan Application (URLA). Through years of collaborative work with community stakeholders, FHFA made the correct decision to move forward with including an option for borrowers to indicate their preferred language preference; however, this option was recently removed by FHFA leadership under the Trump Administration.

**7.4 Protect AA and NHPI Consumers**

Since its creation, the Consumer Financial Protection Bureau (CFPB) has worked to protect American consumers from the unscrupulous lending practices that helped drive the 2008 financial crisis. The CFPB has been responsible for billions of dollars in financial relief to millions of Americans through actions against banks and other financial institutions. Additionally, the CFPB has led the charge in advancing consumer education and financial literacy, which are particularly critical to the AA and NHPI community.

Despite the successes of the CFPB, the independent agency has been under constant attacks by interests who believe profits should be put before people. NCAPA believes that the CFPB should be protected from efforts to weaken it, so that it can continue to build on its mission of protecting American consumers.

**Recommendations**

- Restore data disaggregation for data collected under the Home Mortgage Disclosure Act (HMDA). Originally, under the Dodd-Frank Wall Street From law that was passed, CFPB was given authority over HMDA and moved to begin collecting self-reported, disaggregated data from financial institutions. This data provided a clearer picture of lending patterns, and in context to the AA and NHPI community, could have illustrated how access to credit differs across the community. This effort to collect disaggregated data was halted under the current Administration.
- Ensure that the CFPB’s Consumer Advisory Board has members who actually represent impacted communities of color. Ensure Board diversity, especially representation for the AA and NHPI community.
- Build on the CFPB’s consumer education and financial literacy work; create additional in-language materials, including dedicated websites, similar to what has been done in Spanish.
- Strengthen enforcement penalties to provide a meaningful deterrent against bad actors and more robustly fund the CFPB’s Civil Penalty Fund.
- Clarify statutory language around the Civil Penalty Fund to ensure remaining funds can be issued to community organizations that represent various communities of color, especially the AA and NHPI community.
- Any Community Reinvestment Act (CRA) modernization should be true to the original intent of the CRA: to provide resources to underinvested, low-income communities that is to the direct benefit of low-income people.

**7.5 Invest in Affordable Housing and Community Development**

The housing affordability crisis is hitting hardest in diverse (i.e., majority people of color), urbanized, economically booming metropolitan areas. Within this context, low-income AA and NHPIs feel the current crisis especially acutely. Low-income AA and NHPIs are concentrated in the most expensive metropolitan areas.
Specifically, over seventy-three percent of AA and NHPIs in poverty live in metropolitan areas where the regional median rent is higher than the national median rent of $1,012 per month, as compared to forty-four percent of the general poverty population. Similarly, at the neighborhood level, sixty-four percent of AA and NHPIs in poverty live in higher rent zip codes, as compared to thirty-seven percent of the general poverty population.110

This means that poor and low-income AA and NHPIs are disproportionately at risk of losing their homes.

While rents have skyrocketed and homeownership is becoming increasingly out of reach for many middle-income Americans, the U.S. Department of Housing and Urban Development (HUD) capital investment in affordable housing production and community development has declined significantly. Combined across a wide swath of HUD programs including the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), Homeless Assistance Grants, Section 202, and Section 811, recently enacted HUD budgets for affordable housing development represents an approximate forty percent cut from the most recent high-water mark set in 2011.

Furthermore, local, low-income residents should be supported in their efforts to determine the future of their communities and to lead in community planning efforts and in determining the allocation of community development and community services resources.

**Recommendations**

- Increase HUD affordable housing capital funding by at least $5 billion dollars above 2019 enacted levels.
- Ensure the Native Hawaiian Housing Block Grant is fully funded and properly administered.
- Condition federal block funding (e.g., CDBG, CSBG) on completion of community-based and community-led plans that comprehensively address housing, health, environmental sustainability, and economic development in the community.
- Provide resources for grassroots community organizations to lead these planning processes.

### 7.6 Fully Fund the National Housing Trust Fund

The National Housing Trust Fund (HTF) was created as part of the Housing and Economic Recovery Act of 2008 and is exclusively targeted to help build, preserve, rehabilitate, and operate affordable housing for people with the lowest incomes. Since contributions from Fannie Mae and Freddie Mac were first authorized in 2014, the HTF has made millions of dollars in capital allocations every year. These amounts, while helpful, resulted in a marginal impact towards addressing in the current rental housing crisis.

**Recommendations**

- Significantly increase capital allocations through the HTF.
- Ensure that neighborhoods with high concentrations of low-income AA and NHPIs are considered equally as eligible areas for investment.
7.7 Increase Affordable Rental Housing

Annually, tens of thousands of units of existing, publicly subsidized affordable housing are taken out of service, with hundreds of thousands of additional units at risk over the next few years. Of particular concern is loss of affordable housing units (1) due to conversion to market rate housing upon expiration of affordability restrictions; or (2) due to inadequate resources for public housing authorities to address back-logged capital improvements.

Fannie Mae and Freddie Mac have traditionally supported rental housing in two primary ways: (1) purchase of rental housing loans; and (2) investment in the Low-Income Housing Tax Credit (LIHTC).

**Recommendations**

- Set targets for rental housing finance that prioritize affordable housing that include areas with high concentrations of low-income AA and NHPI groups.
- Set minimum LIHTC investment targets for Freddie Mac and Fannie Mae that are more in line with pre-conservatorship levels than with current levels.

7.8 Create Thriving Communities

Where people live is integral to their health and economic well-being. If one is concerned about equity and opportunity, the places where low-income people live should have the resources and services that are readily available in communities where wealthy people live. However, in the context of the current displacement crisis, improvements to a low-income community should not result in displacement of the people already living there. Low-income neighborhoods, therefore, need attention and investment to grow in ways that are rooted in what is already positive about the community and which involve and empower the community.

**Improvements to a low-income community should not result in displacement of the people already living there.**

7.9 Create Community Benefit Requirements for Opportunity Zones

Opportunity Zones provide tax subsidies for development in low-income areas, but with no requirements that the development provide any benefit for the low-income people already living in the community. In the current economic environment, Opportunity Zones are becoming engines for gentrification and displacement, providing public subsidies for luxury housing and shopping malls that displace existing residents and small businesses. Opportunity Zone regulations should therefore be amended to provide tax benefits to only those projects which provide specified community benefits.

**Recommendations**

- Any Opportunity Zone project with a residential component should provide a minimum percentage of affordable units.
- Any Opportunity Zone project with a commercial component should provide a minimum percentage of space for local nonprofit uses and lower cost spaces for local small businesses.
- All Opportunity Zone subsidized projects should meet local hiring requirements and a minimum floor for labor standards.
- Any Opportunity Zone project should incorporate other structured and enforceable commitments (e.g., on-going support of local job training programs) that meet minimum thresholds for monetary value and community benefit.
7.10 Support Local Small Business Ownership

In AA and NHPI neighborhoods, small businesses are often the anchors of the community. Restaurants, corner stores, salons, barber shops, etc. are beloved community gathering points. And for many AA and NHPI micro-entrepreneurs, business ownership is an employment strategy—it is what keeps them out of poverty. For these and other reasons, AA and NHPIs have higher rates of small business ownership than the general population.\textsuperscript{111}

**Recommendations**

- Increase funding for micro-entrepreneur assistance (e.g., the Small Business Administration’s (SBA) PRIME program) and assure that AA and NHPIs serving institutions receive an equitable share of funding.
- Apply Section 1071 of the Dodd Frank Act to collection of disaggregated small business lending data.
- Small business assistance programs (e.g., the SBA PRIME program) should set aside funding to assist small businesses facing displacement in markets where commercial rents are rising the fastest.

7.11 Expand Equitable Access to Transit and Transit-Oriented Development

Low-income persons should have equitable access to transit. Transit should link low-income neighborhoods to broader regional economies and low-income people should have access to the convenience of living near transit in active, walkable neighborhoods. However, new development of transit and transit-oriented development should not exacerbate displacement in low-income neighborhoods.

**Recommendations**

- Require inclusionary zoning along transit lines and in expanded areas around transit stops for federally funded transit projects.
- Require increased levels of affordable housing and community benefit for federally subsidized transit-oriented development.

7.12 Establish Federal Inclusionary Zoning

Inclusionary zoning establishes minimum guidelines (or in lieu fees) for affordable housing in residential development projects and can also include other incentives for affordable housing development (e.g., density bonuses, permitting process streamlining, reduced restrictions around height, parking, etc.). A 2017 study documented that over 200,000 units of affordable housing have been created through local jurisdictions’ inclusionary zoning policies and over $2 billion in in lieu fees have been raised for future affordable housing developments.\textsuperscript{112}

**Recommendations**

- Establish minimum percentage requirements of affordable housing units in all federally subsidized projects that include housing.
- Enforce affordable housing minimum percentage requirements as conditions of sale of the land, in disposition of federal lands for private development.
- Require jurisdictions receiving Community Development Block Grants to have inclusionary zoning, to reduce exclusionary zoning, and to provide a mix of incentives for affordable housing in healthy, thriving communities.
7.13 Create Alternative Guidelines for Housing Affordability in High-Income Areas

For most federal housing and community development programs, income limits and affordability are determined as a percentage of Area Median Income (AMI). In economically booming areas with high AMIs, this means that regulated, covenanted affordable housing is often too expensive for low-income people. For example, in the San Francisco metro area, the 2019 base AMI was $136,800 which, per HUD’s current regulatory schema, translates to the guideline of an “affordable” rent of $1,813 per month for a two-bedroom apartment (calculated for a three-person household at fifty percent AMI). For a hypothetical household of three with one full-time wage earner making $15/hour, this rent would be unaffordable and would cause the household to be classified as “severely rent-burdened.” Publicly subsidized affordable housing should be a part of the solution to gentrification and displacement, not part of the problem.

Recommendations

- HUD should create new guidelines for determining affordable housing income targeting in high AMI metro areas, with an emphasis on deeper income targeting, with input from community stakeholders.

7.14 Establish Federal Standards for Tenants’ Rights

Tenants’ rights are generally locally defined and locally enforced, leading to a patchwork of protections that are inconsistent and often insufficient. In this current crisis, where low-income tenants are being arbitrarily evicted to pave the way for higher-paying renters, federal policy should establish a better-defined and more equitable floor for the rights of tenants. Additionally, federal programs assisting low-income tenants and small businesses should set aside funding to target the unique issues faced in expensive and rising markets at risk of displacement.

Recommendations

- HUD Housing Counseling programs should prioritize and set aside funding for housing counseling for tenants in high cost areas.
- Condition federal affordable housing and community development block grant funding upon a jurisdiction’s adoption of minimum tenants’ rights standards including just cause eviction, a right to lease renewal, and protections for tenants’ right to organize.
- Create a nationwide right-to-counsel for low-income tenants faced with eviction.
- Restore HUD’s Affirmatively Furthering Fair Housing (AFFH) rule.
Broadly speaking, AA and NHPI workers are overrepresented at the lower and higher ends of the labor market, spanning a wide range of incomes and occupations. Despite higher than average labor participation rates, AA and NHPI workers experience wide income disparities. Native Hawaiians and Pacific Islanders have the highest poverty rates at roughly sixteen percent and eighteen percent respectively, while the overall poverty rate for Asian Americans is just over eleven percent, though this percentage differs significantly among Asian American groups. It is notable that roughly three in four (seventy two percent) Asian American low-wage workers are immigrants.115

Low-wage AA and NHPI workers often lack access to even the most basic benefits such as sick leave and tend to be siloed in industries where they cannot organize to improve their working conditions. These workers are particularly vulnerable to wage theft and other forms of employer abuse. The racial wealth gap must be closed in AA and NHPI communities and beyond by building power for workers to organize for better wages, benefits, and conditions in their workplaces.

8.1 Immigrant Workers

For more than 80 years, loopholes in federal labor laws have excluded industries with high concentrations of AA and NHPI workers such as tipped workers, farm and agricultural workers, as well as domestic and home care workers from basic but critical labor protections like the right to form a union, earn a minimum wage, and receive overtime pay.

8.2 Protect Immigrant Workers

AA and NHPI immigrant workers, regardless of status, often face substandard workplace conditions, including wage discrimination, and wage theft. Marginalized immigrant workers who are excluded from the National Labor Relations Act and, in some cases other labor laws, such as nail salon workers, agricultural workers, domestic workers, and taxicab drivers are vulnerable to employer exploitation and abuse. In the garment, domestic, agricultural, hotel, and restaurant industries, workers are often unpaid or underpaid, and
forced to work long hours in conditions that violate health and safety standards. The demand for cheap labor, absent of effective regulations, and lack of labor law enforcement contribute to human trafficking. Existing guest worker programs operate with few safeguards to ensure employer accountability and work conditions free from exploitation.

### Recommendations

- Increase workplace protections, including health and safety regulations, for nail salon workers, domestic workers, restaurant workers, and other professions with high rates of immigrant workers.
- Provide full whistleblower protections for immigrant and guest workers.
- Expand labor and employment legal protection to workers with temporary non-immigrant work visas.
- Labor law enforcement agencies must be adequately funded to ensure full enforcement of existing labor protections.

### 8.3 Strengthen Avenues for Employment-Based Immigration

H-1B visas are offered to high-skilled “specialty occupations.” The technology sector often hires H-1B workers, the vast majority of whom are Indian men. H-1B workers are eligible to adjust their status to a permanent resident with sponsorship of their employer but limited green cards have created extraordinarily long wait times for those looking to adjust. Meanwhile, H-2A and H-2B visas are for work in low-wage industries and do not offer a pathway to citizenship. H-2A visas are for seasonal agricultural workers. H-2B visas are for non-agricultural workers, such as resort, hospitality, landscaping, food service, and construction workers.

These opportunities are important sources of income for workers to support their families. For example, overseas remittances account for twelve percent of the Philippines GDP, many of whom say that their families are only able to get ahead if they send someone to work overseas.¹¹

The visas above are tied to their sponsoring employers, increasing chances for employers to commit fraud, exploit immigrant workers, and retaliate in ways that can lead to deportation. Guest workers have minimal labor law protections and face real barriers to accessing remedies for mistreatment, injuries received on the job, and unfair or unpaid wages.

### Recommendations

- Guest workers of all skill and wage levels should be offered a pathway to citizenship and be able to self-petition for green cards.
- For the H-1B and H-2 visa program, changes should include (1) allowing visa portability for workers H-1B and H-2 visas; (2) empowering the Department of Labor to enforce prevailing wage requirements and employment contracts for H-2B workers; (3) authorizing the Department of Labor to have oversight over H-2B employers and recruiters to protect workers against exploitation; (4) ensuring that all workers have the ability to organize and bargain collectively, and to protect vulnerable workers in all industries; (5) prohibiting recruiters from charging of recruitment fees to H-2B workers; and (6) providing a grace period prior to initiating removal proceedings against laid-off H-1B and H-2B workers.
- Maintain work authorization for dependent H-4 visa holders.
- Employers who have committed violations of labor and employment law should be barred from using temporary work visa programs.
- Ensure Department of Labor (DOL) funding for programs supporting recruited workers in countries of origin know their rights and understand their available options for recourse if such rights are violated.
8.4 Shift the Burden and Risk of Enforcing Labor Standards from Workers to Employers

AA and NHPIs, especially immigrants, women, and low-income workers, are particularly vulnerable to employer abuse such as discrimination, harassment, and wage theft. Repercussions for violating the law are often not strong enough to dissuade employers in the first place, while declining resources and ineffective strategies by government agencies tasked with enforcing labor standards mean that employers have little fear of getting caught.

For AA and NHPI workers, lack of access to legal resources due to financial or language barriers make it easier for employers to intimidate and silence them. Further, fear of immigration enforcement as a tool of retaliation, which has been especially acute during the Trump Administration, discourages many immigrant workers from reporting workplace abuses.

Recommendations

- Increase federal funding to the Department of Labor’s Wage and Hour Division, the Occupational Safety and Health Administration, and other investigation and enforcement agencies to hire more investigators and provide for more robust monitoring of employers and worksites across the country. This includes ensuring access for limited English proficient workers, not only through translated materials but by hiring investigators with proficiency in the languages spoken within the AA and NHPI community.
- Streamline the enforcement procedures of the National Labor Relations Board to provide for more timely, effective enforcement of the law and fast-track procedures for complaints and retaliation cases (i.e. the California Labor Commissioner’s creation of a separate Retaliation Complaint Investigation Unit.)
- Agencies tasked with enforcing labor standards should affirmatively target and investigate high-violation industries though conducting unannounced investigations in priority industries and regions to uncover violations against workers.

8.5 Build Thriving Communities Through Living Wages and Good Benefits

AA and NHPIs, like many workers, face stagnant wages, rising cost of living, and growing income inequality, impacting their families and communities. Healthcare, housing, food, and other basic needs, including family and childcare, are basic necessities, yet the federal minimum wage has been stuck at $7.25 since 2009, which amounts to poverty-level wages at forty hours a week for a worker with a family.

Workers are often providing intergenerational care to their children and their parents, caught in the “squeeze generation” of trying to prepare for their own retirement while supporting three generations in one household. Policymakers should also consider family obligations, including providing paid family and medical leave for workers, access to paid sick days, and fair and predictable schedules when determining policy solutions.

Recommendations

- Gradually raise the federal minimum wage to at least $15/hour, end the tipped minimum wage disparity, and expand access to overtime pay for all workers.
- Encourage employers across industries to provide predictable and stable schedules through advance notice and predictability pay; provide employees with the right to request a schedule change without fear of retaliation, as well as a right to ten hours of rest between scheduled shifts, or time-and-a-half pay if an employee consents to work with a shorter break.
- Set a national standard for paid sick days that requires all employers to provide one hour of sick leave for every thirty hours worked, allowing workers time to recover from illnesses, access preventive care, provide care to a sick family member, or attend school meetings related to a child’s health condition or disability.
- Expand the Family and Medical Leave Act to provide coverage to all workers and a wider variety of family caregiving relationships including LGBTQ families, and create a federally mandated paid parental leave policy of at least nine months for either parent, including parents of adopted children.
8.6 Ensure Equal Pay for AA and NHPI Women

AA and NHPI women working full-time are typically paid, on average, ninety cents for every dollar paid to their white male counterparts. However, disaggregated data reveals that many AA and NHPI women experience much larger wage gaps, particularly Southeast Asian and Pacific Islander women, making as low as fifty cents to the white male dollar. Due to the wage gap, AA and NHPI women typically lose $240,280 over a forty-year career. In order to make up for lost wages, they have to work longer hours, multiple jobs, and often, past retirement age. For those taking care of children, family members, and loved ones, the extra burden posed by the wage gap makes it difficult for AA and NHPI women to provide emotional and economic support to their families and communities.

Though many states have implemented policies to address the wage gap, federal policy must be strengthened to ensure protection and equal pay for AA and NHPI women workers. Additionally, despite court-mandated EEO-1 pay data collection, the current administration has been steadfast in stopping this data collection.

Recommendations

- Restore Equal Employment Opportunity Commission (EEOC) wage gap data collection to include data disaggregated by race and gender, in addition to by ethnicity.
- Adopt policies that protect the dignity, rights, and equitable treatment of AA and NHPI women workers by ensuring protections against retaliation for discussing salaries with colleagues, prohibiting employers from screening job applicants based on salary history, and requiring employers to prove that pay disparities exist for legitimate, job-related reasons.

8.7 Restore Fairness Through Stronger Employee Organizing Rights

Historically, collective action and labor organizing have improved the conditions of traditionally AA and NHPI industries such as in canneries in Seattle and Alaska, or the sugar and pineapple plantations of Hawaii. Strong employee organizing rights foster a vibrant middle class because the protections, rights, and wages that unions secure affect union and nonunion workers alike. However, current laws create many roadblocks for workers trying to organize with their co-workers, and thus realize the benefits of a union.

Recommendations

- Protect and strengthen the collective voice and negotiating rights of workers for basic workplace improvements, including increasing penalties on predatory employers that violate workers’ rights.
- Amend the National Labor Relations Act to enable states and cities to pass stronger laws empowering workers; eliminate “right to work” laws.
- Encourage sectoral bargaining which brings employers, workers, and government together at industry-wide bargaining tables to improve working conditions across industry rather than worksite by worksite.
The AAPI Tech Table was created in recognition of the need for a more unified voice and presence in national tech and telecom policy debates. The Table convenes regularly with its members to discuss relevant policy concerns, while also engaging with industry and other stakeholders to raise the visibility of the AA and NHPI community.

### 9.1 Digital Privacy

In the past few years, the American public has been disturbed by a series of high-profile data breaches exposing personal financial, political, and demographic information. As a result, half of all Americans believe that their personal data is less safe now than five years ago. Members of the AA and NHPI community who are limited English proficient and/or highly reliant on technology are particularly vulnerable to data breaches and civil rights violations. As such, NCAPA believes in evidence-based policy solutions so that unethical harvesting and misuse of demographic information can be prevented.

It is critical that American consumers’ private information is ethically and transparently collected and used. Moreover, NCAPA believes parity and national uniformity are important in any federal privacy legislation to ensure that consumers are protected regardless of where they go, or who they deal with, on the internet.

### 9.2 Ensure Access to and Consumer Ownership of Personal Data

U.S. consumers must have access to their personal data, especially when it is stored by a digital platform. An individual’s right to access is broad and inclusive and necessitates a standard of usability: the option to change one’s personal information must be accessible online, over the phone, and in person.

**Recommendations**

- An individual’s right to access must include their ability to request, update, change, dispute the accuracy of, or remove their personal information without penalty or discrimination.
- Companies must provide users with reasonable access to a method to opt-out of information and data sharing.
- Companies must obtain opt-in consent prior to collecting or disclosing sensitive data such as genetic, biometric, or precise location data, or prior to disclosing data outside of the parameters of their relationships with a user.
- Personal information should only be disclosed to government entities after an appropriate judicial process.
- Consumers need to trust that any new privacy law gives them the same protection and security regardless of which internet company has access to their data and where they go on the internet. Privacy laws should apply equally across the internet eco-system.
9.3 Require Transparency Before and During Data Breaches

As consumers, everyone should be able to stay reasonably informed about their rights on a digital platform, as well as the occurrence of any data breaches. As soon as a data breach occurs, millions of individuals can be victimized by the release of their personal information, including legal names, social security numbers, demographic information, birthdates, contact information, passwords, and financial information.

This is a particularly important issue for the LGBTQ AA and NHPI community, especially for individuals who are still choosing with whom they disclose their sexual orientation and gender identity. Strong consumer privacy and data security measures are absolutely vital to ensure that personal data is not improperly revealed or otherwise compromised, and that LGBTQ people are able to stay in control over how they choose to reveal such information. For the LGBTQ AA and NHPI community, a data breach can have far-reaching consequences beyond how the general public or other minority communities are impacted. A breach that exposes an individual’s sexual orientation or gender identity, if previously undisclosed, can result in termination by employers, the destruction of personal and familial relationships, and the possibility of harassment, physical harm, or even death.

Recommendations

- Digital-based companies should allow users the ability to identify their preferred language for privacy notices.
- Privacy notices which summarize which personal data is collected; how technology companies store, use, and share personal data; and security measures that are in place should be made available in numerous AA and NHPI languages and be readable by translation software.
- Privacy notices should use plain language and, whenever helpful, incorporate graphics and images to facilitate reading comprehension.
- When a data breach occurs, the company should disclose the breach to its users in a timely manner, while also using plain language and offering translations. In the disclosure, the company should state how it plans to address the breach and when and how users should expect to receive updates about the process.

9.4 Safeguard Civil Rights and Nondiscrimination Protections

In the digital age, collecting personal data has become a major priority for companies of all sizes. As technologies that capture and analyze data proliferate on the market, companies’ abilities to contextualize data and draw new insights from it are expanding. Companies have also adapted to utilize personal demographic information for advertising and marketing purposes.

However, this use of information with regards to goods, services, and economic opportunities can lead to discrimination and segregation. The U.S. has already seen online data-driven advertisements violate the Fair Housing Act by excluding certain demographics from advertisement campaign viewership. Additionally, the increasing use of facial recognition technology by private and public entities for surveillance purposes is deeply concerning. Beyond the lack of regulations in place for government and commercial use, this technology has been shown to be less accurate for women and people of color.\(^{125}\)

Recommendations

- Data practices should not discriminate against protected characteristics, including race, ethnicity, religious or political belief, gender identity, sex, income, language proficiency, or education level.
- Surveillance and data gathering tools and protocols should undergo regular audits to ensure responsible and equitable use.
- Private and public entities, including police departments and schools, must be regulated in their ability to use facial recognition technology and personal demographic data, especially in life-impacting decisions, such as employment, criminal justice, health, education, and money lending.
9.5 Digital Inclusion and Digital Literacy

Digital inclusion are the activities necessary to ensure that all individuals and communities, including the most disadvantaged, have access to and use of information and communication technologies (ICTs), whereas digital literacy is the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills.\(^{126, 127}\)

Access to a broadband connection has transitioned from being a benefit to an absolute necessity in everyday life. Individuals rely on it to complete their homework, identify job opportunities, connect with critical emergency services, and much more.

Although numerous surveys purportedly demonstrate that the AA and NHPI community enjoys higher rates of broadband access than other communities of color, these surveys fail to use data that are disaggregated by ethnicity, and most of them focus on proficient English speakers and are completed online, favoring individuals who already have access.\(^{128}\) Besides these flawed surveys, relatively little disaggregated data exists regarding the extent to which the digital divide impacts community members.

The majority of AA and NHPIs are first-generation immigrants;\(^{129}\) many have limited English proficiency and therefore may not be able to navigate the internet as proficiently as individuals who do not face a language barrier. Furthermore, the AA and NHPI elderly community is a fast-growing demographic, one that is projected to grow from 1.9 million in 2014 to 8.5 million in 2060.\(^{130}\) This demographic is also becoming increasingly poor with a poverty rate that increased by forty percent between 2009 and 2014.\(^{131}\)

Age and poverty represent two factors that suggest that a significant share of the community may lack adequate digital literacy skills. Without these skills, community members may find it difficult or impossible to utilize online government services, benefit from telemedicine, and communicate with their family members, which could in turn exacerbate the difficulty of the conditions they already face.

Recommendations

- Fund a diverse array of digital equity projects at the state and local level to help close the digital divide.\(^{132}\)
- NCAPA encourages policymakers to ensure that government funds to support broadband deployment and adoption are used in a manner that encourages greater access and adoption in unserved and underserved areas. Government resources should not be used to overbuild existing networks that already (or will soon) provide broadband services; rather, policymakers should focus on those areas with great need that would not be served without government support.
- Support legislation that funds a diverse array of digital equity projects at the state and local level to help close the digital divide.\(^{133}\) Furthermore, legislation should allow grantees to design their own projects, which could include digital literacy and skills education to low-income populations, improving online accessibility of social services for individuals with disabilities and outreach and awareness initiatives to encourage greater broadband adoption in rural communities.

9.6 Open Internet

The internet is essential to U.S. democracy and the well-being of all Americans, encompassing nearly all aspects of life from entertainment and communications to telemedicine and education. For the AA and NHPI community and other communities of color who are connected to the internet, an open and free internet is necessary to gain access to essential resources that they rely on and that are only accessible through the internet.

Congress should permanently enshrine open internet principles in law to provide the Federal Communications Commission with explicit regulatory authority to enact bright line rules that also incentivize broadband network expansion and advancement. A statutory solution must be bipartisan and include requirements for no blocking, no throttling, no unreasonable discrimination, and no redlining.\(^ {134}\) These principles are explained below:

No Blocking

Internet service providers (ISPs) must continue to be prohibited from blocking lawful content, subject to reasonable network management. A consumer's right to access lawful content, applications, and services, and to use non-harmful devices is paramount. In addition, the goals of maintaining internet freedom, maximizing investment, and respecting the rule of law must be maintained. The AA and NHPI community should be able to access the content they want from the devices they use.\(^ {135}\)
No Throttling

NCAPA strongly supports a consumer’s reasonable expectation to have access to the entirety of the lawful internet upon signing up for a broadband service. This includes the expectation that an ISP will not impair or degrade lawful internet traffic for that consumer as a means of circumventing the no blocking rule. Given this, ISPs should be prohibited from impairing or degrading content, on the basis of internet content, application, or service, subject to reasonable network management.136

No Unreasonable Discrimination

NCAPA continues to have concerns about the potential impact any unreasonable discrimination by ISPs can have on the AA and NHPI community, given the heavy reliance of many community members on data-intensive activities, such as video streaming.

NCAPA recognizes that some forms of prioritization, including paid prioritization, can be beneficial to consumers, especially for those applications more sensitive to network congestion, packet loss, or latency. A categorical ban on all paid prioritization would be too blunt a tool, since certain forms of prioritization, especially at the direction of end users, can be pro-competitive and otherwise beneficial. One example is a surgeon who relies on video-based telehealth services. In this instance, the surgeon should be able to utilize prioritized traffic to ensure their ability to perform a successful procedure.

NCAPA also acknowledges that in an evolving industry, there must be room for ISPs to experiment with innovative products that create customer benefits. One point of consideration in this evolution must be the impact on historically disadvantaged communities with lower incomes and educational opportunities, as well as entrepreneurs who cater to smaller niche markets (such as the AA and NHPI community) where there is a demand for content from a smaller audience which does not result in large revenues.

No Redlining

NCAPA strongly opposes redlining in all of its forms. Beyond redlining in the traditional sense of homeownership, communities of color, including the AA and NHPI community, have also been impacted by “digital redlining” in various forms.

Examples include excluding people of color from advertisements for housing and employment opportunities, or failing to provide broadband improvements to neighborhoods with high poverty rates in a discriminatory manner. Ensuring equitable access to telecommunications services for all communities is critical for enabling communities to reach full digital empowerment. NCAPA urges ISPs to continue to strengthen inclusive policies, including reviewing and analyzing marketing data for redlining risks and prioritizing internal educational efforts to better understand and mitigate digital redlining risks.
ENVIRONMENTAL JUSTICE

NCAPA can no longer ignore the reality of climate change. Poor and working-class communities, as well as communities of color will be the first to experience, and be disproportionately impacted by, the most harmful effects of our changing environment. Extreme weather, rising sea levels, and climate events are all increasing in regularity; therefore, policies and solutions must prioritize these communities.

The effects of climate change are no longer a “future problem.” In 2019 alone, the United States experienced fourteen extreme weather and climate disaster events that each caused over one billion in damages, totaling $45 billion, and more importantly, the deaths of forty four people. To curb both the human cost and the financial cost of recovery from climate events, it is critical that society prepares for the most harmful effects of climate change by investing in prevention and mitigation—according to studies, every dollar invested in disaster mitigation by three federal agencies saves society six dollars.

Climate migration may be the most significant result of climate change, especially in areas with higher concentrations of AA and NHPIs, like San Francisco, Houston, Honolulu, and New York. Globally, this could impact coastal cities in Asia, Oceania, and other parts of the world. To date, NCAPA has already seen many cases of communities and even entire populations being displaced from their homes as a result of extreme weather conditions. Kiribati was the first Pacific nation to suffer from the impacts of rising sea levels, as about 100,000 residents were displaced.

Just four years ago, Louisiana was the first state to have its people displaced because of sea level rising. According to the World Bank, climate change could force over 140 million people to migrate within countries by 2050 unless carbon emissions are rapidly curbed. The U.S. can no longer ignore that climate migration will continue to increase and may become widespread during this century.

Recommendations

- Equitable efforts that reduces carbon and other pollution and centers AA and NHPIs in solutions that prepare for the impact of climate change and climate migration.
- Create a refugee program for refugees displaced due to the impact of weather-related disasters, i.e. drought, famine, and rising sea levels.
- Permanently authorize the Community Development Block Grant Disaster Relief (CDBG-DR Program), which would provide long-term rebuilding resources, and strengthen administration of the program to ensure that low-income households, children, people with disabilities, and others affected by disasters are not left behind. After a national disaster is declared, it would fund construction or rehabilitation projects, recovery planning and administration, and pre-disaster mitigation activities.
The AA and NHPI community has long been an integral part of the United States society and economy, and in recent years, a growing political power as well. Although extremely diverse, this community is an integral part of the United States. In the areas of civil rights, education, health, housing/economic justice, immigration, tech/telecom and environmental justice, AA and NHPIs have unique experiences and perspectives that speak to the needs of these communities, and also the opportunities for the country.

Throughout this 2020 Platform, NCAPA lays out many issues and recommendations for policymakers and the communities' members to consider. Throughout the sections of the platform, some overarching themes become apparent. First, disaggregated data is so important to understanding and addressing the needs of the AA and NHPI community. Second, linguistically accessible services and programs are fundamental to providing all Americans, including AA and NHPIs, with a fair and equal chance at the pursuit of life, liberty and happiness. Finally, the need to recognize our voices in national policy debates, in leadership positions, and the broader workforce is an important next step towards progress.

While this platform was issued in 2020, its vision is for 2020 and beyond. NCAPA understands the changing public policy and political landscape in the United States; so, I recognize that certain recommendations may need to change over time.

NCAPA, and its thirty-six member organizations, will continue to produce additional factsheets, reports, and studies on specific and broader issues in the future. NCAPA will also continue to demand a seat at the table for the AA and NHPI community. NCAPA thanks you for your willingness to engage and look forward to working together to realize the great potential of a more unified, multicultural America that embraces its diversity.
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NCAPA Staff
Gregg Orton, National Director
Young Noh Jung, Policy/Communications Associate
Sina Uipi, EPIC Policy Associate

NCAPA Policy Committee Chairs

Immigration
Kham Moua, Southeast Asia Resource Action Center
Megan Essaheb, Asian Americans Advancing Justice | AAJC

Civil Rights
Marita Etcubañez, Asian Americans Advancing Justice | AAJC
Navdeep Singh, National Asian Pacific American Bar Association
Lakshmi Sridaran, South Asian Americans Leading Together

Health
Adam Carbullido, Association of Asian Pacific American Community Health Organizations
Iyanrick John, Asian & Pacific Islander American Health Forum

Education
Rita Pin Ahrens, QCA—Asian Pacific American Advocates
Anna Byon, Southeast Asia Action Resource Action Center

Housing and Economic Justice
Kristina Romines, Asian Pacific American Labor Alliance
Anjan Chaudry, National Coalition for Asian Pacific American Community Development

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