



March 27, 2021

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Asian Americans Advancing Justice | AAJC

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Asian Pacific American Labor Alliance, AFL-CIO

*Sung Yeon Choimorrow, Treasurer*  
National Asian Pacific American Women's Forum

*Becky Belcore, At-Large*  
National Korean American Service & Education Consortium

*Jeffrey Caballero, At-Large*  
Association of Asian Pacific Community Health Organizations

**MEMBER ORGANIZATIONS**

Asian American Psychological Association  
Asian & Pacific Islander American Health Forum  
Asian & Pacific Islander American Scholars  
Asian & Pacific Islander American Vote  
Asian Americans Advancing Justice | AAJC  
Asian Pacific American Institute for Congressional Studies  
Asian Pacific American Labor Alliance, AFL-CIO  
Asian Pacific Partners for Empowerment, Advocacy & Leadership  
Asian Real Estate Association of America  
Association of Asian Pacific Community Health Organizations  
BPSOS  
Center for Asian American Media  
Center for Asian Pacific American Women  
Council for Native Hawaiian Advancement  
Council of Korean Americans  
Empowering Pacific Islander Communities  
Hmong National Development, Inc.  
Japanese American Citizens League  
Laotian American National Alliance  
Leadership Education for Asian Pacifics  
National Asian American Pacific Islander Mental Health Association  
National Asian Pacific American Bar Association  
National Asian Pacific American Families Against Substance Abuse  
National Asian Pacific American Women's Forum  
National Asian Pacific Center on Aging  
National Association of Asian American Professionals\*  
National Coalition for Asian Pacific American Community Development  
National Council of Asian Pacific Islander Physicians  
National Federation of Filipino American Associations  
National Korean American Service & Education Consortium  
National Queer Asian Pacific Islander Alliance  
OCA – Asian Pacific American Advocates Payu-ta, Inc.  
Sikh American Legal Defense and Education Fund  
South Asian Americans Leading Together  
South Asian Bar Association of North America  
South Asian Public Health Association  
Southeast Asia Resource Action Center

*NCAPA is a project of Tides Center*

President Joe Biden  
The White House  
1600 Pennsylvania Avenue,  
N.W. Washington, DC 20500

Dear President Biden,

On behalf of the National Council of Asian Pacific Americans (NCAPA), a coalition of 37 of the most prominent national nonprofit organizations working to represent millions of Asian Americans, Native Hawaiians and Pacific Islanders (AANHPIs), we thank you for your leadership during this tragic time for our communities. We also write to ask that you consider the following, in addition to broader calls for greater investment into AANHPI communities:

1. Reestablish a renewed and more effective White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI).
2. Commit your Administration to modernizing data collection for our communities by setting a standard for the collection of disaggregated data across all federal agencies.
3. Exercise judicial discretion and executive power to halt the deportation of Southeast Asian refugees, deprioritizing immigration enforcement against individuals with convictions older than five years; and eliminating existing DHS visa sanctions against Cambodia and Laos.
4. Prioritize language access materials and resources for the AANHPI community.

**White House Initiative on AAPIs**

President Clinton signed Executive Order (EO) 13125 on June 2, 1999, creating the White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI), the President's Advisory Commission on AAPIs, federal Interagency Working Group, and Regional Networks. This year, we mark the 22-year anniversary of the signing of this historic EO. President Bush, Obama, and Trump had all continued the Initiative. A more detailed history and background of the WHIAAPI is enclosed under **Attachment A**.

We believe you have an opportunity to send a powerful message to our community across the country that your Administration recognizes the importance of our communities and is committed to ensuring that we are visible in the work of the government. We have provided a number of principles for your consideration when reestablishing the Initiative.

*Recommendations*

National AANHPI organizations discussed the following common principles and priorities in re-issuing the Executive Order and re-establishing the White House Initiative on AAPIs.

- Restore purpose of the WHIAAPI to have a broad scope and focus on the underserved and broaden the coverage to go beyond business participation in later EOs issued by President Trump.
- Ensure WHIAAPI has dedicated, full-time detailed staff until a permanent Executive Director and staff can be appointed.
- Allocate at least \$10 million towards WHIAAPI's budget.
- Appoint a Native Hawaiian or Pacific Islander for the position of Co-Chair of the Commission
- Have the Office of the WHIAAPI housed at the level of the Office of the Secretary of the designated Department.
- Designate an official liaison from the Vice President's Office.
- Designate an official liaison from Domestic Policy Council.
- Designate an official liaison from the Office of Presidential Personnel.
- Assign the Senior AAPI Liaison to serve as an adviser to WHIAAPI.
- Ensure the Commission appointed by the President has a diversity of ethnicities, geographic distribution and policy expertise with commissioners holding staggered terms.
- Make explicit in the Executive Order that WHIAAPI should prioritize engagement with historically underrepresented communities *within* the AANHPI community.
- That both the Interagency Working Group and Regional Networks, from past Administrations, be explicitly included in any Executive Order issued to reestablish WHIAPPI.
- Explicitly name federal agencies into the IWG, this should include, but not be limited to: domestic agencies, EEOC, U.S. Commission on Civil Rights, the FCC, FTC, CFPB and other financial regulators.

#### *Restoring the Purpose of the EO and Federal Agency Home*

The purpose of the original EO under President Clinton was “to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where they may be underserved.” The EO created the Office of the WHIAAPI in the Department of Health and Human Services (HHS).

Under President Bush, the purpose of the EO was changed to be “to provide equal economic opportunities for full participation of Asian American and Pacific Islander (AAPI) businesses in our economy where they may be underserved.” While the first EO President Bush signed maintained the broad purpose and home at HHS, the second EO narrowed the scope of the Initiative and moved it to the Department of Commerce where it was housed in the Minority Business Development Agency (MBDA). At the time, the community was told that the purpose had to be narrowed in order to legally be funded out of the MBDA budget.

Under President Obama, the EO built on the foundation established by the Clinton-era EO. The purpose was expanded to build on two priorities of access to programs and data collection: (1) “to improve the quality of life and opportunities for Asian Americans and Pacific Islanders through increased access to, and participation in, Federal programs in which they may be underserved,” and (2) “to advance relevant evidence-based research, data collection, and analysis for AAPI populations.” The Department of Education housed the Initiative.

Under President Trump, the purpose of the EO again changed to refine the focus on supporting businesses, consistent with its return to the MBDA, as under the second Bush-era EO. This is reflected in

the emphasis and use of language focused on the economy in the purpose: (1) “to broaden access by AAPI employers and communities to economic resources and opportunities, thus empowering AAPIs to improve the quality of their lives, raise the standard of living of their families and communities, and more fully participate in our economy,” and (2) “to advance relevant evidence-based research, data collection, and analysis for AAPI populations, subpopulations, and businesses.”

Our recommendation is to ultimately move the WHIAAPI to the Department of Health and Human Services, where we believe that the WHIAAPI has the most alignment with agency mission, the strongest infrastructure and maximum opportunity for budgetary support. The confirmation of Xavier Becerra, who has been a longtime ally to the AANHPI community to be the Secretary of HHS, and the confirmation of Vivek Murthy, as the U.S. Surgeon General, make HHS an ideal agency to reestablish WHIAAPI. We also recommend that the Initiative be co-chaired by the Department of Labor or Education. The options and agency comparisons are detailed in **Attachment B**.

We propose that the goal of the new EO be “to improve quality of life and economic opportunity of Asian Americans and Pacific Islanders through increased access and participation in Federal programs where they may be underserved (such as health, human services, education, housing, environment, labor, transportation, and economic and community development); and to advance relevant research and data collection for Asian Americans and Pacific Islander populations. This would restore the focus to be on underserved AAPI communities.

Finally, we believe now is the time to uplift the NHPI community, which has been too often overlooked or invisibilized in the context of AANHPI representation. We would encourage a Co-Chair of the President’s Advisory Commission on AAPIs to be an NHPI individual.

#### *Recommended Timeline*

April –

- Determine agency home
- Secure budget, identify detailees and FTEs
- Finalize EO language
- Schedule EO signing

May –

- Brief key White House and Cabinet officials
- Identify candidates for Executive Director
- Begin vetting Commissioners
- Reengage federal agencies during APA Heritage Month Events

June –

- EO signing ceremony (Beginning of June if May is not possible)

July –

- Announcement of new Executive Director
- Announcement of 20-member Commission

Again, we believe the need for a strong and effective WHIAAPI has never been greater. We encourage you to think boldly as you reestablish WHIAAPI and the President's Advisory Commission on AAPIs.

## **Data Disaggregation**

Data disaggregation is one of the most important civil rights issues for AANHPIs today. The fact that Office of Management and Budget (OMB) Standards for the Classification of Federal Data on Race and Ethnicity use only two aggregate categories ("Asian" and "Native Hawaiian or Other Pacific Islander") renders much of the AANHPI community invisible, effectively ignoring the significant disparities our communities experience in education, healthcare, housing and other important social services that the federal government coordinates and must be ameliorated.

### *Why We Need Data Disaggregation*

As you know, AANHPIs are a group of highly diverse communities with our own complex migration and settlement histories and different experiences with political, citizen, and immigrant status. Though our communities represent over 50 ethnic groups and speak over 100 languages, this diversity is rarely represented in federal data collection, creating severe challenges for communities whose experiences and needs are obscured.

For instance, while aggregate data report that Asian Americans surpass all other racial groups in measures such as income levels or educational attainment, disaggregated data reveals a much more nuanced picture. Although 50% of Asian Americans in general hold a bachelor's degree, disaggregated data demonstrate that less than 20% of Cambodian, Hmong, Laotian, and Bhutanese groups have even attended college. Disaggregated data also shows that AANHPI income levels vary drastically, ranging from \$36,000 for Burmese Americans to \$100,000 for Indian Americans.

Similarly, data on Native Hawaiian and Pacific Islander populations are often combined with Asian populations or excluded entirely. This is despite the fact that NHPI communities experience poverty rates 20% higher than the national average, and that Marshallese and Samoan adults are less likely to hold a bachelor's degree than any other racial group. Without accurate data, the important programming that our federal agencies provide cannot meet the true needs of our diverse communities.

The current federal data practices also enable the damaging "model minority myth" that stereotypes the AANHPI community as a successful monolith and is weaponized as a racial wedge between AANHPIs and other communities of color. We were encouraged by President Biden's Executive Order on Advancing Racial Equity that establishes the Interagency Working Group on Equitable Data and hope that the recommendations that follow will be helpful in understanding the critical need for disaggregated data in measuring and advancing true equity.

### *Brief Background on Data Disaggregation*

Government classifications have historically grouped Asian Americans, Native Hawaiians, and Pacific Islanders into a single group, flattening the significant disparities between and within AA and NHPI communities. In 1997, recognizing the inadequacies of then-current data standards for monitoring socioeconomic conditions for NHPIs, the Office of Management and Budget (OMB) separated the previous "Asian and Pacific Islander" category into "Asian" and "Native Hawaiian and Other Pacific Islander."

The 2020 Census, on the other hand, utilizes the evidence-based format of a “Combined Question for Race and Ethnicity with Detailed Checkboxes and Write-in Areas” because research demonstrated that this format yielded the most accurate responses and the least confusion. For Asian Americans, the format lists 7 checkboxes (Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, and Other Asian), followed by a write-in section for respondents to enter other Asian identities (e.g. Pakistani, Cambodian, Laotian, and Hmong). For Native Hawaiians and Other Pacific Islanders, the format lists 4 checkboxes (Native Hawaiian, Samoan, Chamorro, and Other Pacific Islander), followed by a write-in section for respondents to enter other NHPI identities (e.g. Tongan, Fijian, and Marshallese).

Certain other federal agencies, such as the Department of Health and Human Services (HHS), have also gone beyond the minimum standards provided by the OMB and offer an example for what improved data disaggregation standards currently look like in practice. The HHS’s preferred means of collecting race and ethnicity data is self-identification and asking separate questions for ethnicity first and then race. For Asian Americans, the HHS uses 7 categories (Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, and Other Asian). For Native Hawaiians and Other Pacific Islanders, the HHS uses 4 categories (Native Hawaiian, Guamanian or Chamorro, Samoan, and Other Pacific Islander).

While the current federal data collection standards only allow the Census to use the write-in option to offer more detailed, accurate racial and ethnic categories, the need for more disaggregated data is long overdue. In just the past few decades, our communities have grown and transformed, and the current aggregate data and self-identification options are insufficient to properly capture and understand our communities’ needs.

#### *Federal Data Collection Recommendations*

NCAPA recommends a bold update to the data that all federal agencies collect with regards to Asian Americans, Native Hawaiians and Pacific Islanders. The following recommendations are listed in order of preference.

1. Federal standards for the collection of demographic data on AA and NHPs should aim to collect information on all 50+ of our distinct groups through checkbox options so that policymakers consider every distinct community in key decisions.
2. If a checkbox option for all communities is not made available, federal standards should allow non-Census data collections to utilize the best practice of a format that combines checkboxes with write-in options.
3. If the combined format is not made available:
  1. Federal standards for collecting demographic data on Asian Americans should use separate collection categories for the following sub-populations: Chinese, Asian Indian, Filipino, Japanese, Korean, Vietnamese, Pakistani, Cambodian, Hmong, Laotian, Thai, Burmese, Bangladeshi, and Nepalese (the most populous communities with approximately 200,000 minimum members as of 2020), in addition to “Other Asian” to capture less populated communities.
  2. Federal standards for collecting demographic data on Native Hawaiians and Pacific Islanders should use separate collection categories for the following sub-populations: Native Hawaiian, iTaukei (indigenous Fijian), Samoan, Marshallese, Tongan, Palauan, Chuukese, and Chamorro, in addition to “Other NHPI” to capture less populated communities.

Federal standards for data collection should also clarify and define these as minimum standards for collecting and presenting data on race and ethnicity for all federal reporting. Agencies and institutions should be encouraged to use additional categories to collect more detailed information, provided they can be aggregated to the standard minimum categories.

#### *Additional Recommendations*

NCAPA requests that the word “other” in the “Native Hawaiian and Other Pacific Islander” category be removed in all federal data collection standards, including for the U.S. Census. This word contributes to a sense of invisibility, otherizes Pacific Islanders, and flattens the great diversity among Pacific Islander communities.

NCAPA also urges policymakers to be cognizant that AANHPI communities are frequently defined by complex histories of migration and colonization, leading to complex identities. We therefore ask policymakers to recognize that some communities may potentially fall into or identify with multiple racial categories and to be flexible regarding data collection, tabulation, and reporting for such communities.

In addition to data disaggregation by ethnicity, NCAPA recommends that agencies should collect and crosstab data by gender identity and do so in a way that isn’t limited to a gender binary and acknowledges transgender and gender nonconforming identities.

#### *The Case for Data Disaggregation*

It has been over two decades since the OMB last updated its standards for data collection as it pertains to Asian Americans and on Native Hawaiians and Pacific Islanders. In those twenty years, our communities have changed and faced various challenges, but outdated data collection standards have severely constrained our ability to use an evidence base to improve services and close equity gaps.

Native Hawaiians and other Pacific Islanders, who are too often grouped together with Asian Americans by government agencies, have the highest COVID-19 infection rates out of all ethnic groups in several states, with Chuukese, Marshallese, Samoan, and Tongan communities hit especially hard in states like Hawaii and California. South Asian, Arab, and Muslim have been surveilled, discriminated, and harassed in the aftermath of 9/11. Thousands of Southeast Asian refugees with final orders of deportation live in uncertainty, unsure if they can remain in the country, they have made a home. Low-income, immigrant AANHPIs face threats of encroaching gentrification and displacement.

Without adequately disaggregated data, these stories and many more are invisible to policymakers, and our communities cannot get the support they need. Therefore, NCAPA urges the Interagency Working Group on Equitable Data to ultimately encourage the OMB to adopt the disaggregated federal data collection standards we have outlined above so that all Asian American and Native Hawaiian and Pacific Islander communities are given the recognition, resources, and dignity we deserve.

#### **Deportation Moratorium Extension**

On January 15, 2021, NCAPA, Southeast Asia Resource Action Center (SEARAC), Southeast Asian Freedom Network (SEAFN), and Asian Americans Advancing Justice | AAJC sent a letter with over 150 organizational signatures urging you to use your executive power to place a complete moratorium on all deportations immediately until Congress can pass robust immigration reform that would repeal sections of the 1996 immigration policies responsible for the United States' current draconian immigration enforcement system. The letter additionally urged you to use prosecutorial discretion and executive power to do the following:

#### *Recommendations*

- Deprioritize pursuing enforcement against people who may be removable, but evidence demonstrates no inadmissible or removable offense committed within the last five years, or that rehabilitation has taken place following any inadmissible or removable offense conviction, or potential post-conviction or similar relief that may render an individual non-removable.
- Eliminate the current visa sanctions on Cambodia and Laos and end diplomatic pressure that increases deportations to allow countries to freely negotiate humane and just repatriation agreements. The current visa sanctions that place restrictions on Lao, Hmong, Lu Mien, and other Laotian families from reuniting with their loved ones through the family immigration system and the politically motivated Cambodian sanctions must be lifted.
- Require ICE and CBP to use all available discretionary powers to release all immigrants possible from detention utilizing humanitarian parole, release on recognizance, and including provisions allowing for release notwithstanding other provisions of law.

We reiterate and support the call to end the deportations of Southeast Asian Americans. Southeast Asian Americans (SEAA) have felt the brunt of these harsh 1996 immigration laws along with other refugee and immigrant communities of color. A halt to deportations would provide relief for nearly 15,000 SEAs with deportation orders. The despite the broad call for humane immigration reform and push within the criminal justice movement for second chances, recent immigration efforts continue to deny relief for many Southeast Asian refugees with criminal convictions, including in the United States Citizenship Act, which excludes individuals with specific convictions from accessing the universal waivers included in the bill.

On Monday, March 15, 2021, thirty-three Vietnamese refugees were deported, including refugees who resettled in the U.S. prior to July 12, 1995 and have historically been protected from removal because of the 2008 bilateral agreement between the United States and Vietnam. Many of these individuals were deported to countries many have never seen, for decades old convictions for which they have already served their time, leaving their U.S. citizen children and family behind. The continued violence to our families is testament to the need for immediate action to halt these removals.

As mentioned in the letter, SEAA refugees fleeing war and persecution were resettled in the United States as a direct result of U.S. military intervention and foreign policy in Cambodia, Laos, and Vietnam between 1954 and 1975. They were subjected to the same systematic marginalization as many other communities of color in the U.S. often referred to as the school-to-prison pipeline. They were resettled in impoverished neighborhoods with failing schools, racial profiling, over-policing, and mass incarceration that too often harms communities of color in this country.

Southeast Asian deportations are a direct result of the war on drugs, tough on crime era policies, mass incarceration and the rise in private prisons, which were further compounded by inhumane federal

immigration laws passed in 1996 that dramatically expanded the range of convictions that made a noncitizen deportable. Subagencies, such as Immigration and Customs Enforcement, have long targeted these individuals for removal with over 2,000 Southeast Asians having been deported since 1998. In light of Congressional action, we believe your Administration should immediately move forward with the recommended above actions to grant relief to this particular subset of our communities and end the two-decade old acts of violence against Southeast Asian communities.

## **Language Access**

### *Background on Language Access*

In 2019, 67.8 million people in the U.S. reported speaking a language other than English at home, and more than 25.5 million people—nine percent of the U.S. population—are LEP. Approximately 32 percent of AA and NHPs in the U.S. are foreign born and more than 6 million AA and more than 100,000 PIs are limited English proficient. In the context of health policy, for example, LEP patients have long faced difficulties in accessing health care due to the lack of language interpretation services, and for many LEP patients, their situation is exacerbated by their lack of health insurance. Although the Affordable Care Act did much to decrease uninsurance rates among AA and NHP communities, efforts to undermine the ACA stalled this progress and, in some cases, reversed it, as uninsured rates among NHPs increased between 2016 and 2017. In fact, some groups, including Samoans, Koreans and Vietnamese, continue to have disproportionately high uninsured rates. Similar barriers to access exist for our communities in the context of other policy areas as well.

The federal government has recognized the importance of language access for LEP individuals. Federal law and regulations, including Title IV of the Civil Rights Act of 1964, Section 1557 of the Affordable Care Act, and Executive Order 13166 issued in 2000, establish civil rights obligations for the government to provide language access protections for LEP persons. The Stafford Act requires FEMA to “identify in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster.” The HHS Office of Minority Health created National Standards for Culturally and Linguistically Appropriate Services in Health Care as a guide for health care providers; and of the 14 standards, there are four that relate directly to language access. These standards should be applied, where practicable, across the federal government.

### *Language Access Recommendations*

NCAPA recommends the Administration prioritize language access and ensure that all individuals with limited English proficiency have the language access assistance they need. Specifically, we recommend:

- Language access should be provided at all points of the patient experience through bilingual staff, interpreters, translated materials, and signage;
- Health organizations should be reimbursed for the additional costs of providing language services;
- The administration should ensure that all COVID-19 resources developed by government agencies are translated into at least the 19 languages identified in the [FEMA Language Access Plan](#);
- Funding should be provided to trusted community-based organizations with established relationships to develop additional materials AND support their efforts to outreach and provide services in their communities; and

- Data collection, analysis, and reporting should include preferred language in addition to disaggregating by race/ethnicity.

### **Conclusion**

We deeply appreciate your leadership during this difficult time for the AANHPI community. We understand that the COVID-19 pandemic has disrupted the lives of all Americans, but the rise of anti-Asian racism has only added to the pain of our communities. As we continue to heal, we hope that you and your Administration will consider these actions as priorities towards realizing racial equity for Asian Americans, Native Hawaiians and Pacific Islanders.

Sincerely,

Gregg Orton, National Director

National Council of Asian Pacific Americans

Cc:

Vice President Kamala Harris, Office of the Vice President

Congressman Cedric Richmond, Senior Advisor and Director, White House Office of Public Engagement

Ambassador Susan Rice, Assistant to the President for Domestic Policy, White House Domestic Policy Council

**ATTACHMENT A -**

## **BACKGROUND & HISTORY OF THE WHITE HOUSE INITIATIVE ON AAPIS**

### **Background & Current Status**

In June of 1999, President Clinton signed Executive Order 13125, establishing the first White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI).

Previous White House Minority Initiatives have been based in the Department of Education with a focus on higher education, including:

- White House Initiative on Historically Black Colleges and Universities (HBCUs) - established in 1981 by President Reagan
- White House Initiative on Educational Excellence for Hispanic Americans (HSIs) - established in 1990 by President George H.W. Bush
- White House Initiative on Tribal Colleges and Universities (TCUs) - established in 1996 by President Clinton

The WHIAAPI was born out of the work of the Minority Health Disparities Coordinating Committee at HHS in the mid-90s. Basically, AAPIs had been viewed as a "model minority" that didn't need any special attention in accessing government services. However, the HHS study found major disparities for the community in indices that went beyond health care. So, the recommendation from HHS Secretary Donna Shalala and the AAPI national organizations was to create a FEDERAL-WIDE Initiative to coordinate the government's efforts "to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where they may be underserved. In total, 32 federal agencies were actively involved in the Initiative.

### **History of Executive Orders**

There has been a total of four EOs related to the WHIAAPI, starting with EO 13125 signed by President Clinton in 1999. EO 13125 created the White House Initiative on AAPIs at the Department of Health and Human Services in 1999. The purpose of the WHIAAPI as outlined in EO 13125 was to "improve the quality of life of Asian Americans and Pacific Islanders through increased participation in federal programs where they are underserved," through three goals:

- Develop, monitor and coordinate federal efforts to improve Asian American and Pacific Islander participation in government programs;
- Foster research and data collection for Asian American and Pacific Islander populations and sub-populations; and
- Increase public and private sector and community involvement in improving the health and well-being of Asian Americans and Pacific Islanders.

EO 13216 was issued by President Bush in 2001, with the language of the EO remaining essentially the same. The Commission created under this second EO was allowed to lapse in 2003. Congressmen Honda and Wu sent a letter to President Bush in 2003 stating their concerns, however the Commission was allowed to lapse for one year.

President Bush then signed EO 13339 in 2004, which moved the WHIAAPI to the Department of Commerce, changed the title of the EO to "Increasing Economic Opportunity and Business Participation of Asian Americans and Pacific Islanders," and changed the stated purpose to: "providing equal economic

opportunities for full participation of Asian American and Pacific Islander businesses in our free market economy where they may be underserved and thus improving the quality of life for Asian Americans and Pacific Islanders.”

EO 13403 was signed by President Bush in 2006. This last EO extended the Commission for one additional year, with a sunset date of May 13, 2007. No Executive Order has been issued since then and currently, there is no seated Commission.

President Obama signed EO 13515 in October 2009, which placed the Initiative in the Department of Education. The purpose used the spirit of the Clinton era EO to build on two priorities of access to programs and data collection: (1) “to improve the quality of life and opportunities for Asian Americans and Pacific Islanders through increased access to, and participation in, Federal programs in which they may be underserved,” and (2) “to advance relevant evidence-based research, data collection, and analysis for AAPI populations and subpopulations.” EO 13585 (2011) and 13652 (2013) extended the mandates of the Commission.

Under President Trump, the purpose again changed to refine the focus on supporting businesses, consistent with it’s return to the MBDA, as under the second Bush era EO. This is reflected in the emphasis and use of language focused on the economy in the purpose: (1) “to broaden access by AAPI employers and communities to economic resources and opportunities, thus empowering AAPIs to improve the quality of their lives, raise the standard of living of their families and communities, and more fully participate in our economy,” and (2) “to advance relevant evidence-based research, data collection, and analysis for AAPI populations, subpopulations, and businesses.” EO 13872 reestablished the Commission in 2019 and extended the mandate for two years.

There is an important detail – the language of the Executive Orders states that only the Commissions shall sunset, not the existence of the Office of the WHIAAPI. The AAPI community advocates and government agencies have always interpreted the EOs as creating a permanent office of the WH Initiative on AAPIs, similar to the White House Office on Hispanic Educational Excellence and the White House Office on Historically Black Colleges and Universities.

### **Staffing & Budget:**

There have been eight Executive Directors.

- President Clinton: Shamina Singh
- President Bush: John Duong, Eddy Badrina and Jimmy Lee
- President Obama: Kiran Ahuja and Doua Thor
- President Trump: Holly Ham and Tina Wei Smith

Executive Directors, serving at the SES level are appointed by the Secretary of the designated federal agency home. We recommend the office is resourced at minimum at the same level or greater than the original budget when it was first created under President Clinton. The structure of the office should include at minimum 9 staff: an Executive Director, Deputy Director, Communications Director, Federal Liaison, Community Liaison, Special Assistant to the Director, Office Manager, Commission Liaison, Regional Network Liaison). The office also had Interns, media/PR consultants, and contractors for publications and logistics. In addition to the Executive Director, the three primary staff functions are:

- **Federal Liaison** - manages the work of an Interagency Working Group (IWG) comprised of representatives from every cabinet agency and more than 30 independent agencies, at the Deputy Secretary/Administrator level. Under President Clinton, the IWG was chaired by the Deputy Secretary of HHS (Kevin Thurm) as mandated by the Executive Order. There was also a federal Coordinating Committee (CC) made up of senior staff from the same agencies, who met regularly to implement the objectives of the Executive Order across their agencies.
- **Regional Network Liaison** - manages the work of a Regional Network (RN) which is composed of career civil servants across the ten federal regions, to improve implementation of IWG priorities across the regions and promote the development of relationships with local AAPI communities.
- **Commission Liaison** - staffs the 20-member WHIAAPI Commission and helps put together their recommendations to the White House in reports and town hall/regional meeting proceedings.
- **Community Liaison** - coordinates with local, statewide and national AAPI advocacy groups and service providers to provide input, testimony, data and substantive recommendations to the Initiative.

The budget was primarily used to pay for staffing, travel, reports, administrative overhead and logistics for regional town hall meetings.

### **Federal Infrastructure**

There are two federal bodies that complement the work of the 20 Commissioners – the Federal Interagency Working Group (IWG) and the Regional Network (RN). The IWG is composed of Deputy Secretary level appointees or civil servants. The RN is composed of career civil servants across the ten federal regions, to improve implementation of IWG priorities across the regions and promote the development of relationships with local AAPI communities.

The federal bodies coordinated federal agency participation in Commission activities and also were responsible for producing annual plans and reports to set goals and measure progress towards the purpose of the Initiative. These reports were published sporadically. There is a federal inventory template that was created to begin the collection of this data in 1999.

One practice we would like other agencies to adopt comes from the Environmental Protection Agency. They have maintained a dedicated full-time employee for the coordination of WHIAAPI activities over the past 9 years. In addition, we recommend that both the IWG and RN be explicitly included in any Executive Order issued to reestablish WHIAPPI. We also recommend that the EO explicitly name federal agencies into the IWG, this should include, but not be limited to: domestic agencies, EEOC, U.S. Commission on Civil Rights, the FCC, FTC, CFPB and other financial regulators.

### **President's Advisory Commissions on AAPIs**

The current EO was signed in 2019 and continues the existence of a 20-member President's Advisory Commission, as established in 2009. For the purpose of future continuity, we recommend that the Commissioners be assigned staggered terms.

Executive Order 13125 established a 15-member President's Advisory Commission on AAPIs (PACAAPI) that was first chaired by then former Congressman Norman Y. Mineta. In addition to the Executive Order,

the Secretary of HHS had to create a charter for the Commission, making it subject to the Federal Advisory Committee Act (FACA) rules which require public notification in the Federal Register prior to any official meeting, and require all meetings to be public.

Under EO 13125, the Commission consisted of not more than 15 members appointed by the President, one of which shall be designated by the President as Chair. The Commission shall include members who: (i) have a history of involvement with the Asian American and Pacific Islander communities; (ii) are from the fields of health, human services, education, housing, labor, transportation, economic and community development, civil rights, and the business community; (iii) are from civic associations representing one or more of the diverse Asian American and Pacific Islander communities; and (iv) have such other experience as the President deems appropriate.

Under EO 13125, the Commission was to provide advice to the President, through the Secretary of HHS, on: (a) the development, monitoring, and coordination of Federal efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs where such persons may be underserved and the collection of data related to Asian American and Pacific Islander populations and subpopulations; (b) ways to increase public-sector, private-sector, and community involvement in improving the health and well-being of Asian Americans and Pacific Islanders; and (c) ways to foster research and data on Asian Americans and Pacific Islanders, including research and data on public health.

Under EO 13339, the criteria for the Commission composition were the same except that they were to be from the business enterprise sector and from the fields of economic, social, and community development. The Commission provided advice to the President, through the Secretary of Commerce, on: (a) the development, monitoring, and coordination of executive branch efforts to improve the economic and community development of Asian American and Pacific Islander businesses through ensuring equal opportunity to participate in Federal programs, and public-sector, private-sector partnerships, and through the collection of data related to Asian American and Pacific Islander businesses; and (b) ways to increase the business diversification of Asian Americans and Pacific Islanders, including ways to foster research and data on Asian American and Pacific Islander businesses including their level of participation in the national economy and their economic and community development.

Under EO 13515, the Commission expanded in size to 20 members. The composition was expanded to increase the number of fields drawn from to include education, commerce, business, health, human services, housing, environment, arts, agriculture, labor and employment, transportation, justice, veterans affairs, and economic and community development. The Commission provided advice to the President through the Secretaries of Education and Commerce on a revised set of priorities that expanded on the previous orders: (i) the development, monitoring, and coordination of executive branch efforts to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved; (ii) the compilation of research and data related to AAPI populations and subpopulations; (iii) the development, monitoring, and coordination of Federal efforts to improve the economic and community development of AAPI businesses; and (iv) strategies to increase public and private sector collaboration, and community involvement in improving the health, education, environment, and well-being of AAPIs.

Under EO 13872, the membership composition requirements were effectively removed. Furthermore, the focus was almost exclusively on three major arenas: (a) access to business resources, including development, (b) promoting investment opportunities in the U.S. and around the globe, and (c) a study

of development opportunities in the Pacific Island territories. The Commission provided advice to the President through the Secretaries of Commerce and Transportation.

Several official reports have been issued by the various Presidents' Advisory Commissions. Moving forward we recommend the commission be charged to issue periodic reports on priority issues similar to the U.S. Commission on Civil Rights:

- "A People Looking Forward: Action for Access and Partnerships in the 21<sup>st</sup> Century" 2001.
- "Asian Americans and Pacific Islanders Addressing Health Disparities: Opportunities for Building a Healthier America" 2003.
- "Enhancing the Economic Potential of Asian Americans and Pacific Islanders (AAPIs)" 2007.
- "Advancing Economic Empowerment for Asian Americans and Pacific Islanders – A Call to Action" 2020.

**Recommendation:** The current EO was signed in 2019 and continues the existence of a 20 member President's Advisory Commission, as established in 2009. For the purpose of future continuity, we recommend that the Commissioners be assigned staggered terms. Additionally, we recommend the requirement that the Commission issue an annual report of its work.

Building on the Obama Administration's efforts, we recommend the continuation and development of additional outreach efforts, including community engagement, listening and documenting feedback and addressing the multi-faceted needs of the AAPI community. Activities can be built upon the following:

- Hosting a White House Summit on AAPIs.
- Holding summits focused on NHPs in Hawaii and the territories, as well as the contiguous United States.
- Hosting regional convenings around the country.

## **ATTACHMENT B –**

### **OPTIONS FOR FEDERAL AGENCY HOME OF THE WHIAAPI**

There are three main considerations for the placement of the Initiative: 1) Agency mission that is complementary with the goal of the Initiative, 2) Secretary or Deputy Secretary's commitment to provide leadership for the Initiative and garner participation from other departments and agencies and 3) Agency budget for the operation of the Initiative and FTE allocation for staff.

#### **HHS**

Mission – The mission of HHS is to protect the health of all Americans and provide essential human services, especially for those who are least able to help themselves. HHS was the original home of the WHIAAPI. The Department includes more than 300 programs, covering a wide spectrum of activities and represents almost a quarter of all federal outlays. It administers more grant dollars than all other federal agencies combined.

On January 21, 2021, President Biden issued [EO 13995](#) establishing a COVID Health Equity Taskforce with a mission to provide specific recommendations to the President of the United States for mitigating inequities caused or exacerbated by the COVID-19 pandemic and for preventing such inequities in the future. The Task Force has six Federal agencies as members, which include Agriculture, Education, HHS,

HUD, Justice, and Labor. The Taskforce is chaired by Dr. Marcella Nunez-Smith and has 12 appointed non-federal members representing a range of racial groups and populations, including immigrants, LGBTQ+, educators, youth, rural, territorial, Tribal, health care workers, and Unions. Haeyoung Yoon, who is Senior Policy Director at the National Domestic Workers Alliance is the one Asian American Taskforce member. The Taskforce is housed and staffed at OS/Office of Minority Health by Captain Samuel Wu.

Leadership – HHS has an existing infrastructure to support the WHIAAPI and the IWG, and has extensive experience in leading federal wide initiatives. The Office of Minority Health in the Office of the Secretary has expressed interest in leading the WHIAAPI again. Under the first WHIAAPI, Deputy Secretary Kevin Thurm provided significant leadership for the office to the White House and as Chair of the Federal Interagency Working Group. Secretary of HHS Xavier Becerra was a member of the CAPAC Executive Board during the 113th Congress. Xavier Becerra received APAICS Lifetime Achievement Award in May 2016. For 12 years, Mr. Becerra represented CA 30th ('93), 31th ('03), 34th district ('13) which includes Chinatown, Koreatown, Filipinotown, Little Bangladesh and Little Tokyo in Los Angeles County.

## DOL

Mission - The Department of Labor fosters and promotes the welfare of the job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining, and tracking changes in employment, prices, and other national economic measurements.

Of President Biden's 36 Executive Orders signed to date, 21 (listed below) explicitly mention the impact on our workforce and direct federal agencies around protecting our workers and/or engaging workers through issue areas that span the economy, immigration, health (COVID-19), *labor*, climate change, criminal justice reform, education, manufacturing, and *racial equity*. President Biden and his Administration has made clear the top four crises facing our nation are: COVID-19, *the economy*, *racial equity*, and climate change. The common thread key to resolving our most immediate crises is ensuring the *safety and health of the labor force* that our economy relies on. We must prioritize protecting our teachers, grocery workers, delivery drivers, health care workers, and all workers if we want to return to a healthier, stronger, economy.

Knowing that our most vulnerable workers are those marginalized due to ability, immigration status, race, and gender identity, we can't begin to talk about equity without naming its worker and economic impacts. Workers are whole people and are most impacted in the four crises we are in. Workers both have the most to gain and are key to building back our country towards a new stronger vision outlined by President Biden.

Leadership – Secretary Marty Walsh and Julie Su as Deputy Secretary (unconfirmed) would be strong advocates for WHIAAPI. Under Secretary Walsh's time as Boston Mayor, he was instrumental in supporting Chinatown development, preserving Chinatown, and protecting residents from gentrification. He was also personally supportive, fundraising to many local AAPI nonprofits including Chinese Progressive Association and Viet-Aid.

Deputy Secretary Su has a long-demonstrated history in starting her career in advocating for AAPI workers and families both directly in her history at Asian Pacific American Legal Center and as California Secretary of Labor. Julie Su has been an APALA Los Angeles member and has already had off the record meetings with APALA leadership in preparation for her role. She has stated interest in looking at anti-Asian racism

at the intersection of gender, immigration, and workers' rights. Much of her record also demonstrates her commitment to transforming the labor movement to focus on workers of color.

In addition, other key staff at DOL including Wendy Chun-Hoon, the Director of the Women's Bureau and Trinh Nguyen, who currently runs Mayor Walsh's Workforce Development department and has been nominated for Assistant Secretary for Employment and Training Administration in DOL.

### DOEd

Mission - ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. ED is dedicated to:

- Establishing policies on federal financial aid for education, and distributing as well as monitoring those funds.
- Collecting data on America's schools and disseminating research.
- Focusing national attention on key educational issues.
- Prohibiting discrimination and ensuring equal access to education.

The Department of Education is allowed to contract with outside funders and WHIAAPI engaged with Kresge, Kellogg, and Ford in the past to support its efforts.

**Leadership** – The Department of Education houses the permanent offices of the White House Initiatives on Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Hispanic Serving Institutions (HSIs). The Office of Postsecondary Education (OPE) has also overseen Asian American Native American Pacific Islander Serving Institutions (AANAPISIs) under its purview of competitive grants programs, although AANAPISI programming and funding have not kept pace with AAPI population growth nor MSI funding levels. While other MSI constituencies have had the benefit of a formal association representing their institutional and student community interests, the AAPI community's former association (APIACU) no longer operates as a functioning organization and thus our community's interests have not been included in important postsecondary conversations for years.

This lack of representation has borne out in inequitable funding and program support. Per capita, AANAPISIs receive the least amount of federal funding compared to other MSIs, and our community also has the fewest number of grant programs allotted to AAPI students. While there are 4 programs for Black students (HBCU, HBCU Master's, HBGI, PBIs), 3 programs for Latinx students (HSI, HSI STEM, PPOHA), and 2.5 programs for Native American students (TCCU, NASNTI, and half of ANNH), there are only 1.5 programs (AANAPISI and half of AANH) for AAPI students. In the past, WHIAAPI's placement at Education enabled greater coordination and convening powers to increase the number of postsecondary institutions that applied for the AANAPISI designation and help foster a learning community of practice where institutions could share promising practices that helped APIA students succeed (e.g. mentoring initiatives, curriculum development, faculty training, and mental health supports). After WHIAAPI left Education, the initiative was largely unable to continue the critical support it provided to institutions that disproportionately educate AAPI students. Currently, there are only 20 AANAPIS current grantees, despite there being 162 eligible institutions.

Yet, the potential of AANAPISIs cannot be overstated. These institutions educate 1 out of 3 APIAs at 4-year institutions and 1 out of 2 APIAs at 2-year institutions, and award nearly half of associates degrees

and one quarter of bachelor's degrees attained by AAPI college students. These colleges and universities could be significant engines of opportunity for the nation's fastest growing population, not only the traditional age pipeline of students, but also returning adult students who have been disproportionately displaced as essential and frontline workers during the pandemic.

As the nation strives to recover from COVID-19, situating WHIAAPI at Education would help underscore the important issues that APIA students face throughout the pipeline--from K12 education through education and workforce training opportunities. As schools reopen, K12 and postsecondary institutions will need to be vigilant against the rise in hate and bullying that AAPI students experience, and accountable to reporting mechanisms that disaggregate data on our communities accurately. AANAPISis could also play a more proactive role in modeling the programming, supports and curricula that work to counter anti-Asian bias.

If WHIAAPI is placed at the Department of Education, we recommend it be housed in the Office of Postsecondary Education, instead of its prior placement in the department's Communications/Outreach office.