



December 15, 2021

OFFICERS

John Yang, Co-chair
Asian Americans Advancing Justice | AAJC

Alvina Yeh, Co-chair
Asian Pacific American Labor Alliance, AFL-CIO

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

Becky Belcore
National Korean American Service & Education Consortium

Jeffrey Caballero
Association of Asian Pacific Community Health Organizations

Tavae Samuolu
Empowering Pacific Islander Communities

Seema Agnani
National Coalition for Asian Pacific Americans Community Development

MEMBER ORGANIZATIONS

Act to Change
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

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington D.C. 20500

Dear President Biden,

On behalf of the National Council of Asian Pacific Americans (NCAPA), a coalition of 38 national nonprofit organizations working to represent millions of Asian Americans and Native Hawaiians and Pacific Islanders (AA and NHPs), we write to share our priorities for your Fiscal Year 2023 (FY23) Budget.

Your administration set forward bold messages during its very first week by issuing Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and a Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States. As our communities continue on the challenging road to healing and recovery, we are eager to see continued material investments in AA and NHPI communities in the years to come.

In your upcoming FY23 Budget, we urge you to build upon the significant groundwork laid by the Infrastructure Investment and Jobs Act (IIJA) and the upcoming Build Back Better Act, and to continue to make investments that will uplift AA and NHPI communities. As such, we ask that you consider the following recommendations for the President's FY23 Budget.

Data Disaggregation and Language Access

Data disaggregation and language access continue to be two high priority, cross-cutting issues for AA and NHPI communities. The Office of Management and Budget's last revised federal race and ethnicity data standards in 1997, and Executive Order 13166 on "Improving Access to Services for Persons with Limited English Proficiency" was issued in 2000. In the intervening decades, the need for disaggregated data and greater language access for AA and NHPI communities has only grown. We acknowledge the forthcoming work of the Equitable Data Working Group and the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders' work on language access, and we are eager to see the progress to come.

Data disaggregation and language access impacts nearly every federal agency and requires a whole-of-government approach. We therefore ask you to consider following recommendations:

- **Commit and put in place a process to create a national minimum standard for data disaggregation across the government:** We appreciate the Domestic Policy Council's ongoing engagement and consideration of the recommendations we submitted regarding data disaggregation (Appendix A). While we understand the

potential challenges with modernizing the government's responsible use of data, we encourage you to be bold in seeing this critical issue through. We also recommend that an additional line item be added into every agency budget to account for meeting the newly established federal minimum standard.

- **Provide adequate funding for the Census Bureau, within the Department of Commerce, to enable the prioritization of the timely production and publication of all Demographic Housing Characteristics (DHC) and Detailed Demographic Housing Characteristics (DDHC) data sets:** The Census Bureau has not provided a timeline for the publication of DHC or DDHC data based on the 2020 Census data and has not committed to making this data available at the Census tract or block level. These data sets were previously produced automatically and published within 1 to 2 years of the decennial Census and are absolutely vital for community-based organizations to understand the number of people they serve, the needs of their communities at the precise local level, and the scope of services to provide. For AA and NHPs, who are the fastest growing populations in the United States, significant delays to the publication of only select tables of DHC and DDC data will be too little and too late. Therefore, the Census Bureau must have the adequate funding and resources to prioritize the production and publication of these data sets.
- **Recommit the federal government to its obligation to provide language access:** The Administration should revamp its language access strategy and create a path towards a whole-of-government approach for language access through an internal coordination among the DOJ, the Equitable Data Working Group, WHIAANHPI, among others. Meanwhile, the Department of Justice should restate its commitment to Executive Order 13166 and direct all federal agencies to update their language access plans to equitably meet the needs of millions of LEP people.

Civil Rights

Violence and discrimination against Asian Americans have featured prominently in headlines earlier during the COVID-19 pandemic. But while media attention, memorandums, and resolutions have brought attention to how Asian Americans have been impacted by racism and xenophobia in the wake of the virus, our communities are still in need of investments to support us as we heal and recover from the dual pandemics of COVID-19 and racism. The challenges our communities are now facing are rooted in decades, if not centuries, of systemic and institutional racism, and redressing those barriers and harms requires real commitment from the federal government. To that end, we ask that you consider the following recommendations to the Department of Justice in the President's FY23 Budget.

Department of Justice

- **Invest in additional community-based approaches to anti-Asian hate:** A \$30 million grant program called "Community-Based Approaches to Advancing Justice" for the implementation of the COVID-19 Hate Crimes Act was attached in the House's Commerce, Justice, Science Appropriations bill this year but was not included in the Senate markup. Asian American community-based organizations and grassroots level groups have been absolutely vital in supporting victims of violence and discrimination, building resilience, and nurturing healing. Providing, at minimum, \$100 million to support community-based solutions to anti-Asian hate is necessary to uplift Asian American communities.
- **Increase funding for the Community Relations Service (CRS):** CRS plays a role in mediating conflicts and enhancing community capacity to independently prevent and resolve future conflicts. Safe and resilient communities are those with adequate resources to uplift its members

and ensure their physical, financial, emotional, and mental well-being. Increased funding for CRS will assist in its mission of empowering communities to resolve their own conflicts and prioritize community-based solutions to injustice.

- **Increase funding for the Civil Rights Division, especially its Limited English Proficiency program:** Language access is critical for AA and NHPI communities with limited English proficiency (LEP) to be able to access government services and programs at the same level as English-speaking communities. In order to provide meaningful access in the dozens of diverse Asian and Pacific Islander languages, the Department of Justice must have adequate resources for high-quality, culturally competent translations, interpretation services, and reimbursements for community-based organizations who serve as trusted messengers for LEP communities.

Immigration

As communities of immigrants, refugees, and their loved ones, AA and NHPIs know how vital immigration reform is and how the current immigration system disadvantages, if not outright harms us and other communities of color. Visa backlogs, detentions, deportations, racial profiling, surveillance, border militarization, and historical lack of accountability for Immigration and Customs Enforcement and Customs and Border Protection abuses highlight the urgency of this moment.

In your FY22 Budget, you committed to “implement a fair, orderly, and humane immigration system”—we hope that you will continue with this commitment in FY23. We are encouraged by the \$100 billion in the House’s version of the Build Back Better Act earmarked for immigration reform and are hopeful for the inclusion of meaningful progress in what Congress ultimately passes. However, this is just the beginning of addressing decades of backlogs, barriers, and injustices in the immigration system. Therefore, we urge you to consider the following recommendations for the Department of Homeland Security and Department of State in the President’s FY23 Budget.

Department of Homeland Security

- **Review and reduce funding for ICE Custody Operations:** The FY2023 budget proposal should dramatically reduce funding for detention capacity to move away from the reliance on detention for migration processing. Reducing detention levels to reflect an average daily population (ADP) of no more than 15,000 people would put a necessary check on ICE’s power to harm people and separate communities. This reduction should be accompanied by bill language that requires Immigration and Customs Enforcement (ICE) to engage in individualized custody determinations for all people, with a preference for release or placement in community-based alternatives to detention.
- **Review and reduce funding for border tech infrastructure:** Meaningful review of the operations of DHS is necessary given the numerous and egregious failures to provide humane treatment for individuals crossing the border into the United States. We believe you should seriously consider reducing funding for various surveillance technologies, including CBP biometric surveillance collection programs, unmanned aerial vehicles, automatic license plate readers, facial recognition technology, tethered blimps, thermal imaging technology, surveillance towers, and wide-area surveillance until responsible safeguards are put in place. While we support responsible national security efforts, it is impossible to ignore the harm that has been inflicted by current surveillance and other technologies deployed at the border.
- **Make clear ICE and CBP’s ability to exercise prosecutorial discretion:** We urge you to send a strong, clear message regarding your administration’s immigration enforcement priorities. To

date, we have observed a disconnect between what DHS officials convey in Washington, DC, and the actions being taken on the ground. This reduction should be accompanied by termination of the 287(g) program, including existing contracts under this title.

- **End derivative counting:** No fees shall be used to count derivative visa holders or spouses or children accompanying or following to join as defined at 8 U.S.C. 1153(d) towards the worldwide level of immigration or other numerical limits as defined at 8 U.S.C. 1151 through 8 U.S.C. 1153

Department of State

- **Recapture unused visas:** The Department of State and Department of Homeland Security should make available unused family-based and employment-based green cards from prior years when the agencies did not issue the maximum visas up to the numerical limitations. The agencies should process at least 150,000 of such visas until all such visas are used; funding shall be increased to support this effort.
- **Provide redress to persons selected in the diversity visa lottery subject to Trump's discriminatory immigration bans:** we urge you to provide green cards to persons who were selected through the Diversity Visa program lottery but did not receive a green card due to the former administration's executive actions on immigration and COVID-19 related delays.
- **Ensure effective rollover of unused visas:** The Department of State and Department of Homeland Security should make available unused family-based and employment-based green cards from future years when the agencies do not issue the maximum visas up to the numerical limitations. The agencies should process at least 150,000 of such visas until all such visas are used; funding should be increased to support this effort.

Health

COVID-19 has made abundantly clear the severe health inequities borne by communities of color, especially for Native Hawaiians and Pacific Islanders, and the tragic consequences of racism and xenophobia Asian Americans have endured. Such systemic inequities existed long before the pandemic and, without adequate investment, will continue long after the end of COVID-19.

In the beginning of 2021, the White House announced the formation of the COVID-19 Health Equity Task Force and its purpose to provide recommendations for addressing health inequities caused by the pandemic and preventing such inequities in the future. As of November 10, 2021, the task force submitted its final report to the White House, which included recommendations such as funding organizations that work with communities of color and other underserved populations; and advancing cultural responsiveness and language access for Asian/Asian Americans, Native Hawaiians, Pacific Islanders, and other populations facing the pandemic-fueled discrimination and xenophobia. One way to do that is to allocate sufficient funding to federal agencies to review enforcement of anti-discrimination protections and implement solutions to address gaps in investigating and prosecuting allegations of discrimination. As the administration continues to make investments in equity-based programs and initiatives, we ask that the FY2023 budget include funding to accommodate these recommendations.

Furthermore, the Department of Health and Human Services houses the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders (WHIAANHPI). NCAPA strongly urges that WHIAANHPI be given the funding and resources the initiative needs to advance justice, equity, and opportunity for AA and NHPI communities. Therefore, we urge you to consider the following recommendations for the Department of Health and Human Services in your FY23 Budget.

Department of Health and Human Services

- **Increase funding for the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders:** FY2023 funding should allocate at least \$10 million towards WHIAANHPI's budget. This would enable WHIAANHPI to promote access and participation in federal programs where AA and NHPI communities 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.
- **Separate funding mechanisms for NHPIs from Asian Americans throughout HHS and the Center for Disease Control and Prevention (CDC):** The NHPI community has been too often overlooked or invisibilized in the context of AANHPI representation. For example, NHPI communities experience poverty rates 20% higher than the national average. In addition, NHPI have had 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. In order to address such disparities, funding mechanisms must be separated so that NHPI communities get the care they need.
- **Increase 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.**
- **Increase funding for reproductive health care services, including abortion:** Reproductive health care is crucial for justice and economic security and should not be contingent on a person's income, insurance coverage, immigration status, or where they live. With the rescinding of the Hyde Amendment, federal funds should be made available for reproductive and health care services.
- **Provide funding of \$35 million for the Native Hawaiian Health Care Improvement Act:** 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.
- **Fully fund the Older Americans Act (OAA) programs at or above the level of \$2.46 billion as authorized in the Supporting Older Americans Act of 2020:** Although the Build Back Better Act includes funding for in-home care for older adults, it is crucial to fund programs under OAA. The Supporting Older Americans Act of 2020 reauthorizes programs for FY 2020 through FY 2024. Approximately 85% of AAPIs aged 65 years and older are foreign-born, and only 15% of AAPI elders speak English at home. Title III under OAA services are available to all persons aged 60 and older but are targeted at those with the greatest economic or social need, particularly low-income and minority persons, older individuals with limited English proficiency, and older persons residing in rural areas. For these reasons, all OAA Title III programs should be funded in full.
- **Expand Medicare funding for vision and dental coverage:** The inclusion of Medicare hearing coverage in the Build Back Better Act is an important step in making necessary care affordable for millions of older Americans, but significant gaps in vision and dental still remain. The Congressional Budget Office previously estimated in 2019 for H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act, that from 2020-2029, federal spending would increase by \$238 billion for dental care and \$30 billion for vision care. These are necessary expenditures to support the well-being of older Americans.

Education

The budget reconciliation package includes many promising provisions for the success of AA and NHPI students, including the \$550 increase to the maximum Pell grant, Pell eligibility expansion for DACA/TPS students, and \$23.5 million allocated for Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs). Your FY23 Budget should build on this solid foundation and continue investing in traditionally underfunded AANAPISIs and uplifting first generation, low-income AA and NHPI students. Therefore, we urge you to consider the following recommendations for the Department of Education:

Department of Education

- **Increase AANAPISI funding to \$100 million dollars:** Increase funding for AANAPISIs under the Higher Education Act Title III and Title V, Parts A and F, to \$100 million dollars. AANAPISIs enroll 40% of AA and NHPI students, but are chronically underfunded and receive the lowest levels of Title III & V funding per capita among all Minority Serving Institutions (MSI). If the Administration were to request equitable funding of all 166 eligible AANAPISIs at the same level as Hispanic Serving Institutions, the AANAPISI program would require an annual funding amount of \$100 million dollars. However, any increase in AANAPISI funding should not come at the expense of other MSIs.
- **Formalize D2 program at the Department of Education and provide technical assistance to states:** Restore 2016 D2 funding of, at a minimum, \$1 million for the Asian American and Pacific Islander Data Disaggregation Initiative within the Office of English Language Acquisition.
- **Restore funding to FY2010 level of \$750,000 for the Office of English Language Acquisition (OELA).** Given that the OELA prioritizes serving English Learner (EL) students, and since many AA and NHPI students are in the EL program, the Office should be funded at minimum at its FY2010 funding level.
- **Increase the Office for Civil Rights (OCR) funding to \$260 million:** While the OCR was funded at \$144 million in FY2022, about \$1.4 million higher than the FY2021 funding, the Office needs far more resources to adequately collect data, provide civil rights oversight, and support AA and NHPI students, given the disproportionate impact of COVID-19 that AA and NHPI students and other students of color face.

Housing and Economic Justice

While the budget reconciliation package that passed the House included many provisions critical for AA and NHPI communities, such as \$400 billion for universal pre-K, \$200 billion for child tax credit, 4 weeks of paid leave, and \$150 billion for affordable housing, many AA and NHPI communities around the nation continue to face challenges that threaten their livelihoods. The FY 2023 Budget should expand on community investments for AA and NHPis living in hot markets and promote AA and NHPI small businesses.

Department of Housing and Urban Development

- **Support the Community Development Block Grants (CDBG):** Increase funding for the CDBG at the House-passed FY2022 level of \$4.69 billion to advance equity, especially since a [disproportionate number](#) of low and middle income AA and NHPis live in hot markets. We acknowledge and support the President's [call](#) for some funds to be used to incentivize communities to "fund geographically targeted revitalization activities in communities that have been historically underserved by the federal government."

- **Continue to support rental assistance programs at the level proposed under the President’s FY2022 Budget:** Continue to support project-based rental assistance at \$14 billion and Housing Choice Vouchers at \$30.4 billion, which would expand vital housing assistance to 200,000 more families, as proposed under the President’s FY2022 Budget.
- **Continue to support fair housing at the level proposed under the President’s FY22 Budget:** AA and NHPs have historically experienced housing discrimination, but since the start of COVID-19, housing discrimination may have become worse—the [Urban Institute](#) found in 2021 that Asian mortgage applicants experience higher denial rates than white applicants, despite having higher credit scores and higher incomes. The HUD’s Office of Fair Housing and Equal Opportunity (FHEO) needs adequate funding to increase enforcement capacity. Fund the FHEO at the level supported by the President’s FY 2022 Budget of \$85 million, which the Senate matched in its FY 2022 Transportation, Housing, and Urban Development (THUD) bill.
- **Fund Housing Counseling Assistance at FY22 House-passed level of \$100 million:** AA and NHPs have a [lower rate of homeownership](#), around 60 percent, than do non-Hispanic Whites, around 75 percent-- to support AA and NHPs who already face many hurdles in the housing market, additional support for the Housing Counseling Assistance program is critical.
- **Fully fund housing programs that are included in the House-passed Build Back Better Act (BBBA):** Ensure that all housing programs, including new or increased funds for rental assistance, public housing, CDBG, the Housing Trust Fund, down payment assistance, HOME Investment Partnership Program, are fully funded once the bill becomes law.

Small Business Administration

- **Support Minority Serving Institutions:** Promote and increase opportunities for AA and NHPI-owned businesses in low-income AA and NHPI and limited English proficient (LEP) AA and NHPI communities who have been disproportionately impacted by the pandemic.

Conclusion

A nation’s budget reflects its priorities and commitments to its people. We commend your leadership thus far in responding to the COVID-19 pandemic and putting our country on the road to recovery, and urge your administration to further commit its efforts towards advancing racial, social, economic, health, and immigration justice in the coming fiscal year.

We look forward to continuing our work together to advance the well-being of AA and NHPI communities. Thank you for your consideration.

Sincerely,

The National Council of Asian Pacific Americans

CC:

The Honorable Susan Rice, Director, Domestic Policy Council

The Honorable Shalanda Young, Acting Director, Office of Management and Budget

Appendix A — Proposed federal minimum standard for data collection across all relevant agencies

- This standard should expand upon the categories used in the 2020 Census and American Community Survey. Specifically, separate collection categories for the following Asian sub-populations: Chinese, Asian Indian, Filipino, Japanese, Korean, Vietnamese, Pakistani, Cambodian, Hmong, Laotian, Thai, Taiwanese, Burmese, Bangladeshi, and Nepalese (the most populous communities with approximately 200,000 minimum members), in addition to “Other Asian” to capture less populated communities.
 - Currently, the 2020 Census listed the following checkbox options for Asians: Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, and Other Asian; and the write-in section named Pakistani, Cambodian, and Hmong as explicitly suggested subcategories.
- The federal minimum standard should also expand collection for the following Native Hawaiian and Pacific Islander subpopulations: Native Hawaiian, Samoan, Chamorro, Tongan, iTaukei, Marshallese, and Other Pacific Islander.
 - The 2020 Census listed the following checkbox options for Native Hawaiians and Pacific Islanders: Native Hawaiian, Samoan, and Chamorro; and the write-in section named Tongan, Fijian, and Marshallese as explicitly suggested subcategories.
- Implement the American Community Survey practice of collecting information on U.S. versus foreign-born status as well as information on country of birth.
- Expand collection categories for gender identity, including women and gender expansive individuals.
 - For the purposes of this document, expansive gender identity includes the following categories:
 - Select all that apply:
 - Female
 - Male
 - Intersex
 - Non-binary
 - Transgender
 - Two Spirit
 - Cisgender
 - Prefer not to disclose