

# Meeting of the President's Advisory Commission on Asian Americans and Pacific Islanders

Friday, September 25, 2015

## I. Call to Order

Dr. Tung Thanh Nguyen, Chair of the President's Advisory Commission on Asian Americans and Pacific Islanders (AAPIs), called to order the meeting of the Commission at 9:30 AM on September 25, 2015, at the USCIS Field Office, 500 Ala Mona Boulevard, Building Two, Honolulu, HI 96813.

## II. Roll Call

### Commissioners Present:

Nina Ahmad  
Michael Byun  
Lian Cheun  
Kathy Ko Chin  
Billy Dec  
Jake Fitisemanu Jr.  
Bill Imada  
Daphne Kwok  
Dee Jay Mailer  
Diane Narasaki  
Shekar Narasimhan  
Tung Nguyen  
Mary Okada  
Linda Phan  
Sanjita Pradhan  
Paul Watanabe

Staff: Kiran Ahuja, Chris Harley, Dave Hung, Doua Thor

### Guests:

John Thatcher, Hilo School  
John Quarry  
Jerri Miyamoto, Na'i Aupuni  
Kealoha Ballestros, Na'i Aupuni  
Leihua Shohiya, Na'i Aupuni  
David Lato, Na'i Aupuni  
Kawika Riley, OHA  
Bo Thao-Urabe, on phone  
Katy Leung, USCIS

### III. Agenda Review, Thanks, Appreciation, and Additional Issues

Overview of Agenda:

- A) 10:00 AM: A Presentation on the Native Hawaiian Nation Building Process by Na'i Aupuni members and Kawika Riley from OHA.
- B) 12:00 PM: Working lunch, Commissioners to debrief events of the week.
- C) 3:00 PM: Additional Commission business, including discussing the 2016 Commission Report and APAHM 2016.

Welcome remarks by Katy Leung from USCIS: USCIS is happy to serve as a key ally to WHIAAPI because of the convergence of issues. Asians are the one of the largest groups of immigrants, and USCIS strives to work with the community to meet their needs. Capacity building is one of WHIAAPI's strengths with the Regional Network. Workforce development needs to be focused on and desired to see outcome. We also want to see more traction on language access.

Additional discussions requested on the Census, efforts related to Hepatitis B, and the 6<sup>th</sup> Non-profit Congress to be held in Guam.

### IV. Presentation by Kawika Riley from OHA and Na'i Aupuni Members on Native Hawaiian Building Process

Presentation by Kawika Riley:

- A) *Origin and Roles of the OHA:* The Office of Hawaiian Affairs, or OHA, is a state agency created by the Hawaii State Constitution as a fiduciary for Native Hawaiians. The OHA maintains a funding and supporting role in the Native Hawaiian nation building process. In addition, the OHA oversees assets in excess of \$600 million and large amounts of Hawaiian land, with the trustees in charge of these assets elected solely by Native Hawaiians until 2000 (at which point, the case *Rice v. Cayetano* opened the trustee elections to the entire state.) The OHA was seen as an important, yet ultimately temporary, solution to the many economic, political, and cultural issues faced by Native Hawaiians.
- B) *Calls for Self Determination:* There exists a strong call from the Native Hawaiian community for federal recognition and/or federal pursuits. The case *Rice v. Cayetano* did not address whether Federal Indian laws (and the resulting implications of inherent sovereignty) applied to Native Hawaiians. In 2011, the State of Hawaii passed laws to provide state recognition to Native Hawaiians and began work in developing a list of verified Native Hawaiians. Presently, the OHA has agreed to fund conventions for self-determination, with Na'i Aupuni serving as a separate, non-governmental group to facilitate the process.

Presentation by Kuhio:

- A) *Origins and Purpose of Na'i Aupuni:* Na'i Aupuni was founded by 5 volunteers as a result of a discussion on self-government by the OHA in 2014. Na'i Aupuni is responsible for creating a path to self-governance for Native Hawaiians, including overseeing the election of delegates, organizing the Aha' (convention of delegates), and the possible ratification of the Native Hawaiian governing document. Na'i Aupuni is funded entirely by OHA trust money, not public dollars.
- B) *Delegate Plans:* Na'i Aupuni has outlined some of its plan for establishing a Native Hawaiian government. At the time of the meeting, there were 125,000 registered voters on the roll. These voters will decide on a total of 40 delegates from 6 districts: 20 delegates from Oahu, 7 from Hawaii Island, 3 from Maui, 2 from Kauai/Niihau, 1 from Molokai/Lanai, and 7 from outside the Hawaiian Islands.
  - a. The Delegates would have to be residents of their districts and voted on only by those within their districts. The group Election-America has been retained to run and monitor the elections.
  - b. Around 200 candidates have filed to run in all the districts.
  - c. Elections will be held in November of this year, with delegates to be announced in December.
- C) *Plans for the Aha':* The Aha' is the constitutional convention that can formulate governing documents. In February, following the elections, the new delegates will gather to learn from an independent party about governance. This training would take a period of 8 weeks, during which the delegates would be provided with a stipend. The delegates may eventually propose a constitution. If a draft of a constitution is provided, there will be a ratification process by the Hawaiian people that will be decided on by the delegates.
- D) *Akina v. State of Hawaii and its implications:* Akina v. State of Hawaii is a lawsuit filed by 4 Native Hawaiians and 2 non-Hawaiians over the exclusivity of the elections. The 2 non-Hawaiians wish to participate, while 2 of the Hawaiians wish to participate in a different way and the final 2 Hawaiians are on the voting list but do not wish to be.
  - a. The OHA and Na'i Aupuni's key points regarding this issue are: If you are on the roll you can excuse yourself. You can be certified without being on the roll. All must remember that this is a private election.

Question and Answers for OHA and Na'i Aupuni Presentation:

- A) *Land seems critical to the process of self-determination. How has the state handled its stewardship?*
  - a. Stewardship proves the point for a need for a sovereign government to speak for Native Hawaiians, rather than having Hawaiians risk individual protest. Current land struggles show people don't have the control that nation building provides.
- B) *What happens to DHHL (Department of Hawaiian Home Lands)?*

- a. It is up to the Native Hawaiian people to determine their position once there is a government in place.
- C) *What is the definition of Native Hawaiian for the purpose of eligibility? What was the determination and who made the decision?*
  - a. The definition used is based on the Roll Commission (whether or not a person had ancestors in Hawaii prior to Western contact). Most have birth certificates that state "Native Hawaiian." If someone is on the DHHL list, they are automatically eligible. Anyone eligible for Kamehameha Schools are also eligible. The Congressional delegate for HHLA wanted either no blood quantum or 1/32. However, Congress wanted it to be 50%. The main issue, however, is that the definition has been determined by outsiders.
- D) *What is the genetic marker analysis?*
  - a. 50% Hawaiian blood is enough for the DHHL. There is no testing process for the OHA. The verification of Hawaiian blood can be difficult because one can be born overseas with a parent born on the mainland.
- E) *How many people are on the verified list?*
  - a. 125,000 are registered with 90,000 over the age of 18, though it is unknown how many will participate in the elections. The OHA has made the decision to keep deceased persons on the list to avoid disenfranchising their descendants.
- F) *What is the proportionality for mainlanders who make up half of the delegate?*
  - a. Numbers were decided on the number of certified Hawaiians on the Roll.
- G) *Additional Commissioner Comments*
  - a. The election process seems well thought out and transparent.
  - b. Hawaiians are standing proud, mahalo for those working on this, as it takes a lot of courage to do so.

## V. Working Lunch Discussion

### Areas Lacking in Data

- A) *Housing in Hawaii*: One of the real issues is how to get capital for housing, especially on Trust lands. Questions of DHHL: how much falls within federal jurisdiction and how much is within state jurisdiction? There also exists a lack of data on the housing crisis.
  - a. Native Hawaiians are paying taxes as if they own the land, but they do not own it, in addition to an overall shortage of affordable housing. Commission may be able to help but they need more information.
  - b. Commission wants to address financing, with focus on the DHHL and how it can be helped from Washington, DC.

- B) *Education in Hawaii*: The question of charter schools – how much is being spent? How much actually goes into the schools? How can capital be brought for building, maintaining, and financing schools in the long term? Why aren't tax codes being used to help charter schools?

Focus on “Low Hanging Fruit”

- A) *Clustering and Sharing Problems*: There is value in clustering issues together and sharing the work with national partners (National CAPACD, for example). Can connect CDFI (Community Development Financial Institutions) with Bank of America. Can explore cohosting and convening opportunities with outside groups on bullying and LGBT issues. Can setup meetings between farmers and the USDA.
- B) *Lacking Data*: WHIAAPI did not include more information as part of our data survey. Commission should consider going back to the survey or adding information to the bullying prevention task force.
- C) *Education in Hawaii*: In the education field, communities are expressing concern that the Native Hawaiian groups, such as Native Hawaiian Education Council (NHEC), have been included as sub-grantees without consent .
  - a. Actions: Follow ups for clarity from NHEC will be made. NHEC grants are not being reviewed.
- D) *Bullying Campaign*: Care should be taken to avoid creating punitive measures for bullies. Commission should be conscious about messaging.
  - a. There should be leveraging of public/private partnerships around bullying and LGBT issues. The Commission should share more of its best practices, tackle more LGBT issues, and connect more with groups in Hawaii.
    - i. Actions: Billy Dec to follow up on looking for partner groups for a public awareness campaign.
- E) *Health Issues*:
  - a. Commission requested that the VA screen for Hepatitis B, and that the Department of Defense increase its standards. The public service core also needs to increase its standards, which have been found to be inconsistent.
    - i. Actions: Direct requests to be made to the Surgeon General.
  - b. Judith Wonpat of Guam raised concerns over radiation issues and testing. In addition, there is no hospital in Guam or Micronesia.
    - i. Response from Chris Harley: HHS is aware of concerns, granted approval for American Samoa to expand Medicaid services while seeking to reinstate A.S. hospital for Medicare services. VA just extended rural health clinics in Guam to North and South sides of island. Can continue discussions on access to services.
    - ii. Veterans in Guam cannot get into gate. Ambulance must come to gate to pick them up.

- c. The Welfare Reform Act excludes the COFA (Compact of Free Association) nations.
  - i. Response from Chris Harley: This is a legislative issue. Only actions that WHIAAPI is able to take is to share information from public record, not perform advocacy.
- F) *Services in the Pacific:*
  - a. USCIS mobile services to the various outlying islands have been discontinued. For USCIS services, people must come to the main islands.
    - i. Actions: Follow up with local staff for clarity on the issue. Email Leon Rodriguez.
  - b. Land use issues with the National Park Service
    - i. Actions: Follow up for clarity on land use issues and preservation issues. Follow up with Anthony Bourdain's visit to Molokai about development issues.

#### Focus on Hawaii

- A) *Home Equity Inequality/FHA 247:* The Memorandum of Understanding (MOU) between HUD and DHHL has been revised to adjust loan parity, but Hawaiians are still not able to access equity. The MOU has stalled, but advocates are requesting assistance from Department of Housing and Urban Development (HUD).
  - a. HUD does not lend out money, so in any case where there is a need to lend on leased land, the DHHL is involved. There are very few Native Hawaiian appraisers familiar with this process. In the event of foreclosure of leased property, the DHHL has to be owner of the process.
    - i. Actions: The Commission needs more information on this process from the DHHL. Commissioners will follow up directly with DHHL.
  - b. There is a waitlist for homeless shelters and a high degree of homelessness, to the point where there are tent cities present.
    - i. Possible actions: Commission needs to acquire data on this. Afterwards, the Commission may want to address the issue.
  - c. DOI is working to provide clarity on federal oversight of DHHL for Native Hawaiians, and will be finalizing the new rulemaking process. WHIAAPI can provide training to the community on working with DHHL once rules finalized.
- B) *Charter Schools:* Charter schools in Hawaii tend to be small, their students being "refugees" from larger schools. These charter schools receive kids affected by socioeconomic issues, kids who bully, and other at risk children. The small school environment is able to better handle these issues.
  - a. There is a question of whether charter schools abide by McKinney-Vento Act, which guarantees immediate education for homeless

children. Laws say charter schools cannot discriminate, so there is no question regarding whether a child is homeless or not. However, charter schools are limited by space.

- b. Other charter school issues include the rerouting of federal impact aid money by the state, disaggregated data not being provided to teachers, and unfair language assessments.

#### Data Disaggregation

- A) *Need to Reaffirm Commitment:* There is currently less opposition to data disaggregation, so we need to reaffirm its necessity. In the past, the opposition was due to questions of why we need to collect such granular data. Now, there is an increased pressure to collect such data.
  - a. We need to frame our actions not as a mandate to collect data, but as the need for the ability to collect data at the local level. In addition, once we have the data, we need to be sure we have the ability to use it effectively.
- B) *Regarding Census Sections Being Removed:* Census budget issues and certain conceptions on what kind of data is needed affects collection. Members of Congress are saying that it is an issue of privacy to disclose your race. The census is not voluntary, and legislative intent may just be over the number of persons for reapportionment.
  - a. Commission can address these issues through work in partnership with other issues at the WHIAAPI level. (Agency plans? Implementing directive?)
  - b. The issue has been raised that if we push for agencies to collect data, there may be less apparent need for a comprehensive census.
    - i. Actions: Request for a presentation
  - c. Corporations rely on this data to create jobs and to determine where to locate their stores.
    - i. Actions: Commission should set up a broad meeting with corporations, commissioners, and community members even beyond the AAPI community.
  - d. Does the Commission know who is accessing the data available?
    - i. Actions: There is a project in the works to determine who is using the data, and using such findings to redevelop the data so that everyone can use it. There is a proposal to discuss organizing a meeting on the issue, what content to discuss, and which people to invite.

#### VI. Other Commission Issues

Commission Report (copies of the outline will be provided to Commissioners)

- A) *Report Feedback*: Will continue the theme “Building an American Mosaic” to establish continuity. Concept of the Mosaic is creating opportunity for each piece improves the whole, with AAPIs as indicator of growing US diversity & opportunity.
- a. Whereas the last report set the foundations of WHIAAPI, this current report will concentrate on looking forward.
  - b. The report will highlight successes with data disaggregation, follow ups to philanthropic meetings, successes at the regional networks, successes with the Native Hawaiian and Pacific Islander communities, and more.
  - c. In addressing external issues, the report will look at where the outreach has been focused, including community partnerships through AANAPISIs, iCount, and the vulnerable populations task force. The focus should be on outcomes and opportunities to move the conversation forward. By doing this, we can frame WHIAAPI as a model for others.
  - d. Part of looking forward would be to list the unfinished work of the Initiative and Commission to serve as a roadmap, noting particular areas where sustainability can occur.
    - i. There is a further need to note how we can sustain and embed all these efforts within agencies, as well as the need to include a revised executive order for the next administration.
    - ii. The term of the Commission has been extended to 2017 to facilitate this sustainment.
    - iii. Additional question of what is the AAPI umbrella. The Commission should frame it as diversity, while also collecting and cataloging data.
  - e. The Commission needs to use additional products to disseminate its information. Videos have proven to be a success from the last summit with a consensus to use them again. Infographics have been suggested for use. Profiles of commissions, regions, and issue areas are also considered. Additional actions to consider social media have been requested.

Asian Pacific American Heritage Month (May 2016)

- A) *Summit Ideas*:
- a. Ideas for issues include data disaggregation, the regional networks, and rulemaking.
  - b. The summit should include challenges for model programs, as well as tributes to the community and to individual members of the federal government and the community at large.
  - c. The summit should include artists and consider fireside chats.
- B) *Summit Goals*: Next year’s Heritage Month summit should also aim to bring leaders together to discuss a 5 year roadmap for the AAPI community,

perhaps as an additional side meeting. This is in recognition of the fact that the summit is not necessarily on the substantive side in regards to policy, as hundreds of people make it difficult to have full participation.

- a. It has been proposed that if the Commission is aiming for a 5 year roadmap, it needs a broad array of the community to be present in the side meetings.
- b. A virtual listening session for the roadmap on the side can reduce staffing and board.
- c. The Commission can bring leaders together right around transition to discuss issues such as future staffing.

Census and Department of Defense Issues (Commissioners have the information they need to work on it)

A) *The Non Profit Congress* (February 15-18, 2016 in Guam)

- a. There is an outstanding request to go to the CNMI (\$2500 per person). The request needs to be cleared, along with a gift fund request.

## VII. Closing

Mary Okada thanked the Commissioners for joining in the last week of activities and wished them safe travels. The meeting adjourned at 3:00 PM.



11/9/15

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Dr. Tung Nguyen, Chair of the President's Advisory Commission on AAPIs