

# 2024/03/04 APA Justice Monthly Meeting

**APA Justice Meeting – Monday, 2024/03/04  
1:55 pm Eastern Time / 10:55 am Pacific Time**

## 1. Report from The White House Office of Science and Technology Policy (OSTP)

Speaker: Arati Prabhakar, Director of the White House Office of Science and Technology Policy (OSTP) and Assistant to the President for Science and Technology

Dr. Prabhakar began her remarks by stating that “to fight racism and xenophobia is some of the most fundamental work that we can do that has to get done. This is how we are going to advance equity. This is how we are going to get it right for our country.”

Dr. Prabhakar’s family came from India to the U.S. when she was three years old. She grew up in Lubbock in West Texas in the 1970s. She was the only Indian kid in her high school. She knew more Native Americans than Indian Americans and was asked which tribe she belonged to at times.

Dr. Prabhakar explained the context and her approach to research security.

The Biden administration has a very strong commitment to advancing equity and inclusion. On his first day in office, President Biden signed an executive order on advancing racial equity, to be followed the establishment of the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders to focus on equity, justice, and opportunity.

The current cabinet has four AANHPI members.

There are three major elements that shape her work on research.

First is the reality of troubling actions by the government of the People’s Republic of China, not the people.

Second is that immigrants to the U.S. and global interactions have been essential to America achieving its preeminent position that we have in technology and basic research today.

Third is the fundamental American value that our nation aims to value and respect every individual and that xenophobia and racism are unacceptable.

It is so clear that it is not to our advantage to create an atmosphere that is hostile to attracting the world's greatest minds.

What Dr. Prabhaker and OSTP look for in research security is transparency and clarity so that everyone knows what the ground rules are and gets the right procedures in place.

Dr. Prabhaker concluded her remarks by emphasizing how important our input is, the work that we are doing, and the fact that we have taken the time to have this conversation. She asked us to keep using our voices and making sure that she and OSTP get research security right for the future of the country.

Stanford University Professor Peter Michelson commented that there are changing regulations coming from federal research agencies driven by ambiguous disclosure requirements and many are experiencing a significant increase in administrative burdens.

University administrators tend to focus on compliance, but much less on working with faculty and researchers on their constructive feedback and sometimes criticism.

Professor Michelson raised a question on whether OSTP and federal agencies are considering improvement in communications with faculty researchers, particularly early career scientists.

In response, Dr. Prabhaker stated that the first step of the process is to focus on clear guidelines for reporting and uniformity across agencies so that universities do not have to do different things for different research funders.

In addressing the administrative burden and communications issues, OSTP initially put out draft plans and received a large amount of input from the community. It is an issue to be mitigated.

Dr. Prabhaker also emphasized her deep concern that the process does not turn into another checklist. The research security issue would not be solved, especially for smaller universities, if people are not acquainted with the research enterprise.

Moving beyond a checklist and doing it in an appropriate way is what Dr. Prabhaker and OSTP are trying to get a nail down and execute so that everyone has the clarity and can move forward.

As Dr. Prabhaker departed, Dr. Kei Koizumi, OSTP Principal Deputy Director for Policy, and Dr. Cole Donovan, OSTP Assistant Director for Research Security and Infrastructure, stayed to respond to questions and receive comments.

## **2. CAPAC Updates**

Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus, [nisha.ramachandran@mail.house.gov](mailto:nisha.ramachandran@mail.house.gov)

Nisha reported on two topics:

- CAPAC Chair Judy Chu, First Vice Chair Grace Meng, and Senator Mazie Hirono wrote a letter opposing language in the Commerce Justice Science Appropriations Bill that would essentially reinstate the China initiative. Nisha is pleased that language is no longer included. There is some language about directing the Department of Justice to provide a broader, more general report, such as outlining all the efforts that would be undertaken to identify areas of potential PRC espionage efforts. Congresswoman Meng and her team are credited for holding the line on this issue. This has been a major priority for CAPAC.
- There have also been ongoing activities with Professor Anming Hu. A letter was sent to USCIS to get clarity on the way they work on prosecutions and individuals who have issues coming out of the China initiative.

CAPAC will also have its own appropriations process in terms of pushing forward its priorities. Research and security are certainly still top priorities in this process.

### **3. Anti-Profiling, Civil Rights & National Security Program - Asian Americans Advancing Justice | AAJC**

Speaker: Joanna YangQing Derman, Director, Anti-Profiling, Civil Rights & National Security Program, Advancing Justice | AAJC

Joanna reports that the House cancelled a much anticipated vote on Section 702, the circumstances around which are highly problematic.

The key takeaways include:

1. The House Intelligence Committee, led by Chair Turner, reneged on a pre-negotiated deal to move FISA reauthorization and reform to the House floor;
2. The House Judiciary Committee, which has primary jurisdiction over Section 702, submitted amendments to the base bill and testified in favor of their amendments while the House Intelligence Committee failed to even appear.

Chair Turner and other House Intelligence Committee members also cryptically hinted at a so-called destabilizing foreign military capability that they heavily implied was related to Section 702, but it was later identified to be completely unrelated.

Chair Turner undermined national security and wrongfully created national panic. It was clearly designed to scare members ahead of the plan to vote on Section 702, which was ultimately taken down.

The White House and members of Congress and Civil Society have all been appalled at this behavior and issued statements to that effect. But in terms of next steps, Advancing Justice | AAJC will, in coalition with other AAPI organizations, prepare to defend against any efforts to jam Section 702 reauthorization into any imminent must-pass legislation. To that end, Joanna learned that a 702 reauthorization is not in the first minibus and will continue to stay vigilant and monitor.

Joanna deferred to Thông Phan to report on the state alien land laws. Advancing Justice | AAJC is tracking land-law-related language in the national security supplemental. It appears that a narrowly tailored version of the Rounds amendment was ultimately dropped, and the national security supplemental at the time of reporting looks to be less harmful.

## 4. Update from Asian American Scholar Forum

Speaker: Gisela Perez Kusakawa, Executive Director, Asian American Scholar Forum (AASF), [gpkusakawa@aasforum.org](mailto:gpkusakawa@aasforum.org)

Gisela expressed deep thanks to Director Arati Prabhakar and Cole Donovan for meeting with AASF researchers and leaders at the Capitol, along with Erika Moritsugu, Deputy Assistant to the President; Principal Advisor Ting Wu, and Krystal Ka'ai, Executive Director of the White House initiative. Gisela looks forward to working further with the White House on how AASF can lift up Asian American scholar contributions in our country and work together towards ensuring a more welcoming and inclusive environment that helps Asian Americans and scholars thrive.

AASF conducted political appointment training early on and continues to encourage the community to consider working in public service with the Biden Administration and with Federal agencies. It is critical that we not only have a seat at the table, but continue to be engaged in our country.

AASF will be meeting with the new NIH director, Dr. Monica Bertagnolli, to create a bridge between our community and administration officials to ensure that the community's voices are heard. The meeting is closed door. Gisela encourages outreach to her and AASF on your concerns so that she can communicate them directly to NIH leadership.

Regarding the release of the CJS joint explanatory statement without the China initiative language, AASF is in the process of reviewing the new language and will be releasing our analysis as a resource for the community.

AASF has been working with Nature on a portfolio. It featured Gang Chen, Jenny Lee, George Karniadakis, Yu Xie, Kai Li, Steven Chu, and Yiguang Ju. It highlights the loss of talent and scrutiny that academics are facing at the border and lifts up the AASF data report.

AASF continues to monitor the impacts of a Florida law that recently went into effect, which restricts Florida's public colleges and universities from hiring researchers and graduate assistance from several countries of concern which includes China and Iran. AASF has a brief

explainer for what this legislation means, and it is working to provide more educational resources for the community. AASF is working with Florida professors and students on the ground to see how AASF can support them.

AASF is also monitoring the DETERRENT Act, which passed the House and has been introduced in the Senate. AASF is working to hear more about the timeline for conferencing.

## 5. Update from the Committee of 100

Speaker: Cindy Tsai, Interim President and Executive Director, The Committee of 100

- April 19, 2024, [Committee of 100's Annual Conference & Gala](#)

Cindy reported on four primary C100 activities in addition to various ongoing collaborative activities with Asian American and other communities:

- **Interactive Map on Alien Land Bills.** C100 has been tracking all the 2023 bills by state at <https://bit.ly/3Hxta4B>. It is currently in the process of creating another layer for the 2024 legislative session. With the basic structure in place, it is a matter of visualizing the data in an interactive map. Cindy emphasizes that while the national organizations are keeping an eye on these developments, it truly is those who are on the ground that will hear about it first. So as you hear about things that are coming out of your state, please share and verify with C100, which will in turn share it with the communities. C100 researcher Sam Collitt can be reached at [scollitt@Committee100.org](mailto:scollitt@Committee100.org).
- **AAPJ History and K-12 Curricula.** C100 has in the last 2 years tracked and updated state-by-state analysis state bills that are available tools for the AAPJ community to use as they advocate for AAPJ education in schools. You do not need to have a stand-alone AAPJ curriculum mandate to advocate to your school district for that type of education curriculum. Additionally, C100 converted its 2018 report on [the contributions of Chinese Americans](#) into 5 middle school lesson plans. C100 is organizing teacher workshops over the summer. If you have interest in this area, please reach out to Cindy. C100 would love to provide these free materials to educators.
- **Next Generation Leaders Service Project.** On March 6, C100 hosted a virtual webinar titled Breaking Career Ceilings and Feeling Comfortable in Your Own Skin. It was led by the C100 Next Generation Leaders Class of 2023. As a community, some of our parents taught us to keep our head down and assimilate. We are now seeing a new generation of people saying: I want to be the authentic me and still achieve and break the glass ceiling.
- **2024 Annual Conference and Gala.** The C100 annual conference and gala will be held in New York City on April 19, 2024. This year, C100 is doubling the number of curated sessions with three general sessions and two concurrent tracks — one on U.S.-China related topics and the other on key domestic AAPJ issues —and will include more than

50 guest speakers, panelists and keynotes. The event will be topped off with a black-tie Gala celebrating the achievements and accomplishments from those in and around the AAPI community. For more information and registration, visit <https://bit.ly/4ccKQkj>

Cindy can be reached at [ctsai@committee100.org](mailto:ctsai@committee100.org).

### **General Session**

- [Debate: Will and Should Corporate DEI Activities Suffer the Same Fate as Affirmative Action?](#)
- [The 2024 Elections and Their Impact on Asian Americans](#)
- [Charting New Paths: Innovative Solutions to Asian American Issues](#)

### **Asian American Issue Track**

- [Asian American Awareness Through Education](#)
- [The Impact of U.S.-China Tensions on Asian Americans in Government](#)
- [Asian American Career Ceilings – Findings and Solutions](#)
- [AAPI Community Response to Rising Anti-Asian Hostility](#)
- [U.S. National Defense Policies - Impact on Asian Americans and U.S. Competitiveness](#)

### **U.S.-China Issues Track**

- [Perspectives on China by Former U.S. Ambassadors](#)
- [Will the Chinese Economy Stagnate Like Japan's Did?](#)
- [Foreign Direct Investment – Both Ways – What is Happening and Why?](#)
- [U.S.-China Tech and Industrial Rivalry](#)
- [Diplomacy Through Food and Culture](#)

## **6. Georgia Alien Land Bill**

Speaker: Thông Phan, Senior Policy Associate, Advancing Justice - Atlanta

Thông provided updates on the alien land bills that are coming out of Georgia. HB 1093 did not get a vote on Crossover Day. SB 420 passed the Senate. Since the APA Justice meeting was held, SB 132 was quietly revived and passed out of the House Committee on Agriculture and Consumer Affairs. This was possible because Georgia has a 2-year legislative session, and SB 132 had already been passed by the Georgia Senate last year.

Thông explains that they are very similar bills. Originally, SB 420 had a 25-mile radius outside of military installations, however, the most recent substitute bill for SB 420 changed its radius to 10 miles. SB 132 changed to mirror the language in HB 1093, which held its restrictions at 10 miles outside of a military installation. Both have restrictions on the purchase of agricultural land and some exemptions for residential property. Both target individuals as well as companies from China, Hong Kong, Cuba, Iran, North Korea, Russia, and Venezuela. Something new in this

year's bills is that violations of these bills carry penalties of possible felony convictions and monetary penalties of up to \$15,000 and/or one or two years in prison.

SB 420 passed the Senate on a 41 to 11 vote. It is now assigned to the House Judiciary Committee in Georgia. [which has a committee hearing on March 19, 2024.

During the past year, Thông wrote a report, held a webinar, and convened community members and lawmakers to bring awareness to the bills. Asian Americans Advancing Justice-Atlanta has an action network letter that was signed by at least 1,400 people. It has been distributed in various forms to reflect changes in the bills as they moved through the legislative process. A coalition of groups in Georgia is working on this issue. Their focus is to continue lobbying, testifying against the bill, and getting community members involved.

## **7. Asian American Academy of Science and Engineering (AAASE)**

Speaker: [X. Edward Guo](#), President, Asian American Academy of Science and Engineering (AAASE); Professor of Biomedical Engineering and Professor of Medical Sciences, Columbia University

Asian American Academy of Science Engineering (AAASE) is a relatively new organization. It is 2 years old. Princeton University Professor Yiguang Ju was the Founding President. Professor Guo is the second President.

The mission of AAASE is to focus on the next generation of leaders in the STEM field, promote Asian American team leadership in STEM, and also work with the broad Asian American community.

Professor Guo announced that AAASE will host two summer academies for high school students interested in science and engineering in 2024. One will be a day camp at Princeton University, and the other a resident camp at Stanford University. The summer camps are one-week long. The students will also promote Asian American leadership contributions in science and technology.

The AAASE also plans to honor 100 top leaders as Academy Fellows. AAASE has selected 23 fellows in 2024. They are going to be inducted at the National Academy Science Conference in Irvine, California, on November 15-17.

The AAASE has also engaged with the Committee of 100 on its upcoming conference on April 19 and will hold its annual Board of Directors retreat at Columbia University on April 21.

Professor Guo is pleased and proud to work with this community. Contact AAASE at [aaase.org@gmail.com](mailto:aaase.org@gmail.com) for additional information. Visit the AAASE website at <https://www.aaase.org/>.

## 8. Benefits of Open Scientific Exchanges

Speakers:

- [Steven Kivelson](#), Professor of Physics, Stanford University
- [Peter Michelson](#), Senior Associate Dean of Natural Sciences, Professor of Physics, Stanford University

Professor Michelson remarked that almost every researcher he knows at Stanford University, particularly Chinese and Chinese Americans faculty and students, as well as international scientific research, has been impacted by the serious challenges in the U.S.-China relationship.

Professor Michelson was recently on a panel discussion as part of a presentation to the National Academy's consensus study on international talent programs. The panel he was on asked to discuss creating welcoming environments for international students and scholars. Participants from many academic institutions essentially all agreed that the U.S. is currently not doing well in this regard. There is a lot of room for improvement.

Professor Michelson's own experience has generally been very beneficial and enabled things that otherwise would not have been possible.

In particular, he spent the last 20 years building a collaboration to design, build, and operate a large high energy gamma ray telescope that is deployed on the NASA Fermi Gamma-ray Space Telescope.

The collaboration started with members from 5 countries in Europe and Japan. Over the 15 years in operation, the collaboration has grown to include members from 17 countries in North America, Europe, Africa, and Asia.

These collaborators work on data and get coordinated observations on high energy sources that the Fermi Observatory detects.

The international nature was essential to produce the rewarding outcome and a very successful international network of genuinely collaborative scientists from many different backgrounds and cultures.

The cultural ties are just as important in the long run for maintaining U.S. leadership in science and technology. This is a benefit.

As Professor Michelson mentioned to Dr. Prabhaker earlier in the meeting, some of the practical challenges including administrative burdens in the current transition period. It is important for administrators at universities and federal agencies to pay attention to periodic feedback and constructive criticisms with an efficient mechanism to do that.

Professor Michelson was pleased that the latest provision in Congress to reinstate the China Initiative has been removed.



The U.S. has led the world for decades in science and engineering innovation. Our universities are the most highly regarded in the world in large part because we have been welcoming to exceptionally talented students from anywhere.

Professor Michelson and most of his colleagues are convinced that if we are to maintain that leadership, the U.S. must not only fund fundamental research, but also our universities and our nation must be welcoming to international students. That includes students from China. It does not need to conflict with requirements for heightened research security.

Where some sectors are directly connected to national security, the process to identify them and deal with research security concerns must be carefully and expertly done.

Professor Michelson quoted from Stanford University's Research Policy Handbook, "the principles of openness and research and freedom of access by all interested persons to the underlying data, processes, and the final results of research are of overriding importance."

Professor Kivelson is a professor of theoretical physics. He joined the meeting from the airport as his flight was delayed.

He opined that the amount of intellectual property theft that is attributable to exchanges with China has been greatly exaggerated. He also has a strong philosophical commitment to a view of our country as an exemplar of an open and welcoming society.

Professor Kivelson inevitably finds himself in tears when reading the words from the New Colossus that appear on the Statue of Liberty [*Note: the iconic words are "Give me your tired, your poor, your huddled masses yearning to breathe free."*] The practical advantages of adhering to that promise have been grossly understated.

Professor Kivelson told from his direct knowledge and experience about the benefits of scientific exchange between US and Chinese academic scientists, and about the losses to the U.S. that will inevitably accompany any of the many misguided efforts now being considered by the U.S. government to curtail such exchanges.

Professor Kivelson's expertise is in the theory of quantum materials. This is an area that has been a particular focus of government funding in China, more so than in the US. As a consequence, advance is made in the field, especially the discovery and refinement of new forms of quantum materials, disproportionately by Chinese scientists.

Fortunately, until now, there has been fast and free flow of ideas and materials between the two countries. A remarkably large fraction of the most impactful developments in the field in the last several years have involved collaborative work of Chinese and U.S. scientists.

Cutting off easy flow of people and idea between the U.S. and Chinese universities would seriously harm the development of this field in China, so it would have the same harmful effect in the U.S. as well.

US research effort in quantum materials is dependent on both the contribution of Chinese scientists at Chinese universities and Chinese immigrants and visitors at U.S. universities. Our scientific process would be crippled without their contributions.

## 9. Q&A and Discussions

Speaker: [Kei Koizumi](#), Principal Deputy Director for Policy, White House Office of Science and Technology Policy (OSTP)

Dr. Koizumi remarked that he resonated with what Professors Peter Michelson and Steven Kivelson said because his parents came to the U.S. to complete their graduate studies and they remain as academics and had productive research careers, especially by collaborating with colleagues from abroad. So it was very personal for him.

Neal Lane, Senior Fellow in Science and Technology Policy at the Baker Institute of Rice University and Former Director of OSTP, asked to describe the interaction and outreach that OSTP has had with the various non-government organizations, science and engineering societies, and professional societies about the issues discussed in the meeting.

A robust discussion followed.