

2024/04/08 APA Justice Monthly Meeting

APA Justice Meeting – Monday, 2024/04/08
1:55 pm Eastern Time / 10:55 am Pacific Time

1. CAPAC Updates

Speaker: Nisha Ramachandran, Executive Director, Congressional Asian Pacific American Caucus, nisha.ramachandran@mail.house.gov

Nisha reported that there is a flurry of activities related to the reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA). Multiple bills and amendments have been floated. There is not a lot of clarity.

It has happened twice already that a bill to reform warrantless surveillance was pulled before; it could not even pass the Rules Committee.

A revised version of the Reforming Intelligence and Securing America Act (RISAA), or HR 7320, has been sent to the Rules Committee members. Without knowing the specifics, CAPAC has not taken a position on it at this time.

Current authorization of Section 702 will expire on April 19, 2024. There is some sense of urgency on this matter.

2. 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 reported on two topics:

1. Florida SB 846 restricts Florida's public colleges and universities from participating in research development at the highest level and singles out international students from China and several other countries of concern. On behalf of AAJC, Joanna joined and spoke in the rally at the University of Florida Gainesville. She walked away feeling energized and optimistic about the respective organizations in the effort to combat discriminatory legislation directly impacting research institutions. Joanna was particularly inspired by the local organizing efforts and the significant number of professors and students who spoke and attended the rally.

2. There is a lot of movement on the FISA (Foreign Intelligence Surveillance Act) Section 702 reauthorization legislation. According to Politico, House Speaker Mike Johnson backtracked on an amendment that would close the “backdoor loophole” while seemingly aligning with House Intelligence Committee Chair Mike Turner to stand by the surveillance authority and undermine oversight. It is disappointing. Joanna and AAJC will continue to ensure that the provisions over the past year will receive fair consideration as part of the underlying bill or in the form of an amendment. These developments are happening at a very fast pace.

3. Update from Asian American Scholar Forum

Speaker: Gisela Perez Kusakawa, Executive Director, Asian American Scholar Forum (AASF), gpkusakawa@asforum.org

Gisela reported on five activities:

1. On March 26, a coalition of almost 25 local organizations rallied to voice their opposition to Florida SB 846. Gisela commended the pivotal role of the host organization, the Florida Chinese Faculty Association, in facilitating this collective effort. The highly successful rally drew over 200 participants and garnered significant coverage from the media. The work by Professors Xue, Peng, and Li will have a rippling effect not just in Florida but nationwide. AASF produced a [one-pager](#) about SB 846 and worked on NBC and other prominent national media, centering on the experiences of the Florida faculty. A lawsuit was filed against SB 846. The NBC story covering this event was republished by 111 news outlets in 12 countries with a potential reach of 650 million people.
2. AASF continues its efforts as an active task force member to support the commission towards the creation of the first Asian Pacific American National Museum, making sure that the contributions of Asian American scholars, scientists, and researchers can be uplifted in the museum. One of the recommendations is to have a separate science, medicine, and technology section within the museum put in the forefront. AASF welcomes more volunteers in this work.
3. Over the past month, AASF organized a roundtable discussion involving university leaders and the newly appointed director of the National Institutes of Health, Dr. Monica M. Bertagnolli, continuing to ensure that faculty members’ input is shared directly with NIH. AASF welcomes hearing directly from professors on the ground as it advocates for more public NIH updates so that they can be circulated to the broader community.
4. AASF met with the Department of Homeland Security's Combating Foreign Malign Influence in Higher Education Institute Subcommittee to lift up Asian American scholar concerns, including the recent border stops of researchers, faculty, and students. The subcommittee is tasked with providing recommendations regarding foreign malign influence in higher education, including creating guidelines and reducing the risk of foreign malign influence in public-private partnership collaboration and information sharing. It is important that Asian American scholars, faculty, and researchers are

included in the creation of the guideline and updating them in the future. This is viewed as a continuing process for change as many of these guidelines and policies are not going to be perfect off the bat and certainly not all of the recommendations and proposals from AASF will be accepted.

5. On January 13, a local Louisiana media reported that a representative of the Louisiana House Education Committee made an inquiry to the Louisiana Board of Regents regarding the number of faculty and students who are green card holders from certain countries of concern at state colleges and universities including China. AASF is monitoring this and other state legislation on the ground that may impact students and faculty members.

4. Organizer Report on Florida Rally against SB 846

Speaker: Professor Jiangeng Xue 薛剑耿, President, FCFA

Commentators:

- Professor Zhong-Ren Peng 彭仲仁, Board Member, FCFA
- Professor Chenglong Li 李成龙, President-Elect, FCFA

Related media reports

- 2024/03/29 NBC News. [Faculty and students protest Florida law that they say could keep top Chinese talent out of their grad schools](#)2024/03/27
- AsAmNews. [Chinese students at University of Florida declare "We belong"](#)
- 2024/03/27 WUFT (NPR/PBS) News. [Protestors at UF reject SB 846, call for education without borders](#)
- 2024/03/26 Alligator. [Protest of Chinese student recruitment ban draws crowd outside Board of Governors meeting at UF](#)
- 2024/03/26 WUFT-TV News (NPR/PBS). [Hundreds of People Gathered to Protest against Academic Law](#)

Professor Xue lead off the report:

Florida Chinese Faculty Association (FCFA) was created about 10 years ago with the original goals of developing collaborations among the faculty members and mentoring the younger members. In recent years, the goal is shifting to deal with the critical influences that we are seeing at university campuses.

During the China Initiative, FCFA met with the provost, the vice president for research, and the president met and talked about issues of concern such as compliance and outside activity reports that led to some regulations that may be less intrusive.

The SB 846 bill came out of the last legislative session. It basically restricts academic exchange and collaborations and adds restriction on graduate student hiring that becomes the focal point of the FCFA fight at this point. It came out at the same time as SB 264 that restricts Chinese nationals and a few other foreign nationals from buying property.

There was assurance about the original SB 846 that students would not be affected, but in October, the Board of Governors – the governing body for all state universities in Florida – put out more restrictions including those on hiring graduate students and scholars.

FCFA held a meeting to discuss strategies around November. Some went to the University of Florida (UF) Faculty Senate meeting and talked to other colleagues about the concerns.

A young professor in the AI area started a petition letter which has been signed by about 300 faculty members, letting administrators know about the concerns.

There was not an official response, but comments at the Faculty Senate meeting were: this is a state law, and we have to abide by the state law.

When FCFA learned about the Board of Governors meeting in March, it began planning, with help from Gisela and Princeton University Professor Kai Li representing AASF. FCFA also got together with other Florida state universities. It was decided that a rally would be an essential part of the effort.

As professors, they do not know much about how to organize a rally. Gisella and a few other people helped to put together a successful rally, from inviting speakers to mobilizing students.

FCFA talked to the Graduate Assistants United. Their officers and those from several Chinese student associations on UF campuses participated in the organization team.

Another big part of the organizing effort is to engage the media, both national and local media in Gainesville, Tallahassee, Tampa, and Orlando, and related communications.

Over 200 people joined the rally that lasted about an hour and 45 minutes.

There were 21 speakers, 10 from University of Florida, Florida State University, University of Central Florida, and Florida International University; five students; and six from national organizations, including Gisela from AASF, Johanna from AAJC, Vincent Wang brought Yellow Whistles from APA Justice, Haipei Shue from UCA, Nick Warren from ACLU Florida, and Mike German from the Brennan Center whose message was read at the rally.

The rally undoubtedly raised awareness about the issue.

The student groups had organized a separate rally Wednesday morning. This additional event, complementing the rally held on Tuesday at noon, serves to reinforce and amplify the overarching messages being advocated.

FCFA is deeply grateful for all who participated, especially those who flew in and spent a few minutes talking to the crowd. They were impactful and appreciated.

FCFA makes three “asks:”

1. Restore the faculty's rights to hire graduate students and postdocs without discrimination based on the national origin. It should be based on academic preparation, experience, knowledge and so on, not on where they come from.
2. Uphold academic freedom to reinforce international collaboration and exchanges.
3. Stop politicizing education. We are an academic institution. We are trying to teach people, commit knowledge and develop independent thinkers. It is not about politicians putting their influence on universities.

One Iranian faculty member from Florida State University spoke, and the President of the Iranian Students Association also spoke at the rally.

In terms of lessons learned, one positive is the media attention.

Two is building the connection between the local groups and the national groups.

FCFA did not get any direct feedback from the Board of Directors at the time of the rally but received a message afterwards from the Faculty Senate Chair, saying that the Chancellor informed us that we are looking at ways to better nuance the regulation and they are willing to consider amendments.

That is a positive development, and it will depend on what the change will be.

Professor Xue turned the floor to Professor Peng at this point.

Professor Peng made two points:

1. He was pleased that a very good relationship was established with the faculty union who supported FCFA and Graduate Assistants United for future actions.
2. He and Professor Li attended and voiced their concerns at the public comment session at the Board of Governors (BOG) meeting. Although they were cut off, most of the BOG members were attentive and listening. He was hopeful that something good may come out of it.

Professor Peng turned the floor to Professor Li at this point.

Professor Li made these points:

- He expressed appreciation for Gisela and Professor Kai Li for their ideas and organization on a successful rally. He looks for continuing help from national organizations. That is a lesson learned from him.
- There was a well-structured platform, focusing on constitutional and human rights, academic freedom, and discrimination.
- From the general platform, talking points were developed on discrimination, impact on the U.S., the faculty, and steps that have three aspects – speakers that included faculty and students, pulling the diverse communities together, and informing national and local media.
- Upon implementation, individuals had responsibilities and specific assignments.

These factors in combination contributed to a successful rally.

5. Remarks by Dr. Robert Underwood

Speaker: Robert Underwood, Commissioner, President's Advisory Commission on AA and NHPI; Former Chair, CAPAC; Former President, University of Guam

- 2024/04/02 [AA and NHPI Higher Education Leadership Development Summit](#)
- 2023/12/01 HHS: [President Biden Takes Action to Renew and Strengthen the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders](#)

Dr. Underwood started giving his remarks from Guam at 4:34 am Chamorro standard time. It is the only time zone that is named after a people.

On January 24, 2000, Congress passed the Guam and the Northern Mariana Islands Standard Time Zone Act. The Act established the Chamorro standard time zone for Guam and the Commonwealth of the Northern Mariana Islands. The term Chamorro refers to the culture and people of that area.

Although Dr. Underwood is a Commissioner of the President's Advisory Commission on AA and NHPI, he was not speaking on behalf of the Commission at the meeting.

Dr. Underwood serves on the data disaggregation and higher education subcommittee of the commission.

The White House Initiative on AA and NHPI, or WHIAANHPI, organizes meetings and sessions throughout the country on different topics.

The President's Advisory Commission is a separate body although it is connected to WHIAANHPI. The Commission has its own meetings and presents its own recommendations.

One topic the Commission has been advocating is higher education, particularly the Asian American and Native American Pacific Islander serving institutions (AANHPISI). There are almost 200 such institutions across the country.

According to a recent research study on the current state of funding, AANHPI receive \$75,000 per program on the average. Hispanic serving institutions get funding of over half a million dollars per program, whereas historically black colleges and universities receive over four million dollars. There is a big disparity. There are calls for advocacy and some action on this basis.

About half of the AANHPI enrollment goes to AANHPI.

So helping AANHPI would help to develop the next cadre of advocates and whistleblowers. The burden should not fall on just professors but also students.

These issues are of course raised inside the Commission as we talk about belonging and data disaggregation, which is another topic necessary for federal action.

There is a wide variety of minority serving institution programs in almost every federal agency from the U.S. Department of Agriculture to the Department of Defense, you name it. However, when AANHPI applies, sometimes the agencies are hesitant because they do not really understand this network, which has been around for a couple of decades.

In Guam and the Northern Mariana, one of the issues that has surfaced is the number of undocumented immigrants coming from the Northern Marianas to Guam on boats.

The Northern Marianas is also a US territory, but they have a unique agreement where people can come from China without a visa as tourists and stay for 2 weeks. In the past couple years, about 100 to 200 people have rented a boat or get dropped from boats into Guam.

Because of the recent hype in the changing international situation, attention has been given to be a source of espionage. It is bogus. There is no truth in it as they are just economic migrants. They are looking for a job.

In spite of the fact that immigration authorities in Honolulu which oversee this area have stated repeatedly there is no reason to believe this espionage allegation, some think tanks and Congressional members have surfaced the narrative that there is this stream of potential Chinese migrants coming in to conduct espionage on military facilities in Guam.

Even though there is no basis for this, everyone starts looking at each other trying to figure out what who is going on and looking at the neighbors wondering why the neighbors are here.

It is very dispiriting and irresponsible to use a little bit of data to create a false impression. There is a think tank called the Pacific Center for Island Security, which is trying to do its best to bring full understanding to that situation.

Dr. Underwood applauded the efforts in Florida. That is an opportunity to generate community support and understanding across the country. Everything as a new opportunity.

6. Remarks by Commissioner Yvonne Lee

Speaker: Yvonne Lee, Commissioner, USDA Equity Commission

- 2024/02/22 USDA Equity Commission: [Final Report to Secretary of Agriculture](#)

Commissioner Lee began the session with warm reminiscences of Dr. Underwood, recalling their last encounter during his tenure as President at the University of Guam. She fondly described his inspiring demeanor, urging all present to embrace accountability and responsibility as public servants.

Reflecting on past collaborations, Commissioner Lee noted her and Jeremy Wu's prior engagement with the U.S. Department of Agriculture (USDA). Yvonne's current role as a member of the USDA Equity Commission underscores her commitment to advancing equity within the department.

President Biden established an executive order during the first week of his presidency to advance equity for underserved communities through the federal government. USDA was the first, and perhaps two years later today, the only federal department that has created a full-fledged commission to look at the issue of advancing equity.

The USDA Equity Commission operates through two subcommittees on Agriculture Rural Development respectively. They are tasked with evaluating existing USDA programs and soliciting public feedback to rectify past injustices and foster a more equitable environment.

Most of us know USDA has an ugly history in terms of exclusion toward African Americans, tribes, and other minority communities.

The Commission issued an interim report last year. The final report was issued about three months ago, containing 66 recommendations. Three of them are specific concerns from the AANHPI community perspective.

- Language access, which Yvonne was happy to report, has been fully implemented after the interim report findings last year.
- Issues relate to procurement, minority contracting, sub-contracting, and related opportunities.
- Land ownership.

Despite the report's limitations within USDA jurisdiction, Yvonne, as the only Asian American member on the Equity Commission, emphasized its significance as an official federal document chronicling AANHPI community involvement in American agriculture—a crucial historical record.

Tracing the decline in Asian American agricultural dominance over the past century, Yvonne contextualized this shift within a broader narrative of institutional racism and systemic discrimination. She underscored the vital role of community leaders in driving change, referencing the agricultural labor movement's origins and the transformative impact of initiatives like the Transcontinental Railroad.

Until the late 1880s, 80% of California's food and agricultural products came from Asian American farmers and processors. After a hundred years, the dominance that we held has now dropped to less than 2% of the food output today.

How did it happen? You have to look at what happened during this time period with the Chinese Exclusion Act, internment of Japanese Americans, and alien land laws in the 1920s.

The agricultural labor movement was inspired by Filipino leaders and workers who pulled their resources together and brought in Cesar Chavez.

The USDA Equity report serves as a poignant reminder of past achievements and ongoing challenges.

There is a parallel to today's continued assault to diminish our right to access land and properties and our role as full-fledged Americans because of a perceived background. We can use this document to reflect and to use it to educate the public and to continue to advocate within and beyond our communities. Yvonne urged collective reflection and advocacy, particularly regarding recommendation number 37 on page 52 of the [USDA Equity Report](#)—"Right to Access Agricultural Land"—as a means to combat discrimination and safeguard community interests.

The Committee on Foreign Investment in the United States (CFIUS), an interagency committee chaired by the Secretary of Treasury, has the authority to review, approve, or deny any proposed foreign transactions that might raise national concerns, including in the food and agricultural sector. Currently, USDA is not a CFIUS member, however, the U.S. Treasury may designate USDA as a co-lead in a CFIUS investigation on a case-by-case basis. The Equity Commission recommends that USDA serve as a permanent member of the committee and request the necessary Congressional appropriations to carry out this role.

Yvonne explained that this gives the public an additional tool to apply our voice and our advocacy to have one more voice to amplify.

Commissioner Lee would love to hear your thoughts and how we can work together in moving this issue forward.

7. Japanese American Citizens League

Speaker: David Inoue, Executive Director, Japanese American Citizens League

David was not able to join the meeting.

8. 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 the upcoming C100 annual conference to be held at Marriott Marquis in New York City on April 19. There will be a double track with over a dozen sessions on AAPI domestic issues and US-China relations.

Cindy highlighted several sessions of potential interest for the speakers and attendees:

1. Bringing AAPI history and stories such as the alien land laws into K-12 education and classrooms,
2. Community response to rising anti-Asian hostility as a group and direct services since it is difficult to predict when to stand up for your rights,
3. U.S. national defense policies have impacted researchers and academics as well as technology such as AI. What does foreign influence really mean? What is appropriate response without discriminating certain groups?
4. Impact of US-China tension on Asian Americans in government. While we encourage Asian Americans to have representation, become politically engaged, and work for the government, there are glass ceiling, security clearance, lack of assignment, and similar deterrents.

9. Q&A and Discussions