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### 2023/04/17 Roundtable on a National Alert Network



**WHEN:** Monday, April 17, 2023, 7:00 pm ET/4:00 pm PT

**WHAT:** Online Roundtable

**DESCRIPTION:** Inaugural roundtable to establish the purpose and functions of a national media alert network and strike teams to assertively address immediate xenophobic challenges to our freedoms and longer-term proactive actions to ensure fairness and justice for all, including the Asian American and Pacific Islander (AAPI) and immigrant communities. About 10 organizations have committed to join Paula Madison in the Roundtable.

**REGISTRATION:** This is an event by invitation only to guests and official representative(s) of AAPI organizations. Members at the Roundtable will be sent a panelist link. Others please register at <http://bit.ly/3KvIMl8>

**BACKGROUND:** Asian American and immigrant communities are in turbulent times again, facing enormous challenges such as legalizing discrimination at the state and federal levels, return of the Red Scare and McCarthyism, warrantless surveillance, mini "China Initiative" conducted by the National Institutes of Health, cross-border profiling, continuing fallout from the now-defunct "China Initiative" including New York Police Department Officer Angwang, collateral damage from the U.S.-China relations, and anti-Asian hate and violence. The Roundtable will examine the current landscape and jump-start a national media alert network and strike teams

to address these immediate and longer-term challenges.

A video of the discussion led by Paula Madison in the April APA Justice monthly meeting is here: <http://bit.ly/40qzLHW> (1:00:08).

## Can U.S. Research Recover From the "China Initiative?"



According to a report by the *Chronicle of Higher Education* on April 6, 2023, **Matthew Olsen**, assistant attorney general for national security, announced the shutdown of the "China Initiative" a little over a year ago.

On college campuses, there was hope that Olsen's February 2022 announcement would bring an end to a dark period when many worried that the future of academic ties with China hung in the balance.

Over the past year, the number of allegations of foreign interference reported by federal grant-making agencies has declined, and more cases have been resolved through administrative action instead of prosecution. The rhetoric has also moderated since Trump-administration officials routinely lambasted college leaders for their naïvete in working with Chinese universities and other foreign partners. "There's been more of a dialogue instead of a shouting match," said **Jeffrey Riedinger**, vice provost for global affairs at the University of Washington.

But the assistant attorney general's speech did not end scrutiny of American higher education's relationship with China or with other countries "of concern," like Russia. Since then, Congress has approved new disclosure requirements for foreign funds coming to colleges and barred researchers who receive federal grants from taking part in "malign" talent-recruitment plans like China's Thousand Talents program, which offers visiting appointments and research stipends to foreign scholars. Government agencies have also been crafting new programs and policies to safeguard research and determine risk.

If a new chapter began with the conclusion of the "China Initiative," the underlying narrative remains much the same. It's a Cold War of innovation, and university labs are the new front line, with many policymakers troubled that working with China could advantage a rival. Indeed, mistrust of China is the rare topic that garners bipartisan agreement in Washington these days.

“Maybe the volume has been turned down a little, but the tune is still playing,” said **Jane Gatewood**, vice provost for global engagement at the University of Rochester.

The pressure to act is emanating from the nation’s capital, to be sure, but it is also coming from campuses, from faculty members who want better guidance to navigate the uncertainty. Perhaps no group is watching more closely than those most affected by the "China Initiative," Chinese and Asian American researchers.

For many of these academics, the fear lingers. Some are unwilling to apply for federal grants in the current climate. And American researchers may be pulling back from working with Chinese colleagues: Since the start of the "China Initiative," joint publications by Chinese and American scientists have declined.

“The ending of the 'China Initiative' seemed to give the illusion that the cloud had gone away,” said **Jenny J. Lee**, a professor of higher education at the University of Arizona who studies Sino-American research collaboration. “But it’s still overhead.”

The number of foreign-interference cases at the National Institutes of Health (NIH) soared from just five in 2017 to 111 in 2018, the year the "China Initiative" started. For the next three years, the NIH recorded more cases involving allegations of failure to disclose foreign funding, academic affiliations, or other conflicts of interest on grant applications than any other type of research-integrity violation.

In nine of 10 such cases, the “country of concern” was China.

Last year, the number of foreign-interference cases logged by the NIH dropped sharply, to just 23.

The resolution of recent cases by the National Science Foundation, or NSF, reflects the non-prosecutorial approach. Since the end of the "China Initiative," the agency’s Office of Inspector General has found indications of foreign conflicts of interest in at least nine cases involving grantees. But according to memos published by the office, it either closed the cases without pursuing criminal actions or forwarded them to the Justice Department, which decided not to prosecute.

**Rebecca Keiser**, chief of research security strategy and policy for the NSF, said the agency doesn’t want to be in the policing game. “We are not law enforcement,” she said in an interview with *The Chronicle*. “We set policy.”

A driver of current oversight efforts is a national-security directive Trump signed shortly before he left office that orders all federal research-funding agencies to strengthen and standardize their research-security policies. It continues under President Biden.

A proposal released by the White House last month requires colleges and other organizations that receive \$50 million or more annually in federal-scientific grants to develop research-security plans. It has also published draft guidance that would beef up disclosure rules while making them more consistent across the federal government. Despite the calls for uniform standards, they are not necessarily followed, for example, by NASA.

For colleges, the new mandates bring an added burden. The Council on Governmental

Relations, an association of research universities, academic medical centers, and independent research institutes, estimates the initial costs of meeting new federal disclosure requirements could be nearly \$445,000 for universities with \$100 million or more in federal-research funding. For institutions that receive less grant funding, expenses could top \$100,000.

College groups would also like government agencies to more clearly articulate what they see as the real research-security risks. Universities' longstanding practices for monitoring research integrity have typically been geared toward screening for more traditional types of misconduct than for detecting threats from foreign influence, said **Tobin Smith**, senior vice president for policy at the Association of American Universities. "If there's fabricated data, that's easier for us to assess."

Riedinger and his colleagues are calling for more nuanced guidance: What types of individuals, institutions, disciplines, or research areas warrant additional scrutiny? What sorts of programs and affiliations raise red flags? What are the potential vulnerabilities that keep policymakers up at night?

Having such guidance is important as colleges create research-security plans, said **Kalpen Trivedi**, vice provost for global affairs at the University of Massachusetts at Amherst. "Tell us, how can we reassure you that we are doing what we can to safeguard science in our universities?" he said. "What represents safe science to you?"

Many experts point to the Massachusetts Institute of Technology as the gold standard. While not all institutions have MIT's structured approach, most research-university administrators said their institutions now had a process in place for reviewing foreign contracts and partnerships for potential research-security vulnerabilities and for advising faculty members about conflicts that could jeopardize federal grants.

Both universities and federal agencies are likely to have to rebuild trust with another group: scientists, especially those of Chinese descent.

That may not be easy. Some colleges were seen as offering insufficient support to their faculty members when they came under scrutiny, or even abetting investigations. Many researchers see a lack of clarity in the new rules and are concerned about being penalized for types of international engagement that were previously encouraged. Advocacy groups say discussions about research-security policy have focused too much on the policing of international collaboration and not enough on supporting researchers or educating them about shifting requirements for disclosure.

"So far, there is more of a focus on deterrence," said **Gisela Perez Kusakawa**, executive director of the Asian American Scholar Forum. "But what are the positive efforts that would make Asian American scholars feel more protected?"

But the damage to research, and to researchers, wrought by the "China Initiative" may be harder to undo. "They are still scared," said **Steven Pei**, a professor at the University of Houston and an organizer of the APA Justice Task Force, a group that advocates for Asian American scientists. "People are much more careful."

There is a sense among researchers, Pei and others said, that they could fall under suspicion simply for doing science while Chinese. After all, prominent prosecutions under the China

Initiative were of Asian American scientists. Of the NIH foreign-interference cases, three-quarters involved Asian scientists.

Of a half-dozen scholars interviewed by *The Chronicle*, none said they were currently willing to apply for federal grants, because of their anxiety they could be racially profiled. The stakes were too high. Among the scientists investigated by the NIH, nearly two-thirds were removed from federal grants. As *Science* has previously reported, 42 percent lost their jobs or were forced to resign.

Fearful, academics and graduate students of Chinese descent may be pulling back from academic work with China. When the University of Arizona's Jenny Lee, who conducted a survey of scientists, drilled into the data, she found that their reluctance to engage with China had nothing to do with the nature or sensitivity of their research. "It really came down to whether someone was of Chinese descent, period," Lee said.

There are reports that Chinese American researchers have been stopped at the border and questioned about their work. A special congressional committee has been set up to examine competition with China. And in a speech at the University of Michigan at Ann Arbor in December, **Christopher Wray**, the FBI director, defended government investigations of academic ties to China.

**Gang Chen** is one of the scholars who said he would no longer apply for federal funding to support his research. A professor of mechanical engineering at MIT, he was arrested in January 2021 for allegedly hiding his affiliations to and payments from Chinese universities. A federal prosecutor later dropped the charges against Chen, saying it was in the "interests of justice."

The "China Initiative" and other investigations damage academics like him who have collaborations with China, Chen said in an interview. But its effects are more than individual, he said. "This is a fundamental assault on the scientific community. It could hurt and weaken American science."

Not long ago, Chen was back in the headlines. He is credited with having helped discover a new semiconductor material that is being called a game-changer.

Read the *Chronicle* report: <http://bit.ly/3UxAD9K>

In a follow-up report, the *Chronicle of Higher Education* added the following insights from Dr. Rebecca Keiser of NSF:

- Undisclosed conflicts could jeopardize public confidence in research outcomes
- Keiser said she was worried about how research-security investigations affect Chinese and Asian American scientists
- When it comes to research security, she wants a more collaborative approach
- It will be tougher to navigate gray areas, but heightened research-security concerns shouldn't cut off international-academic partnerships

Read the *Chronicle* follow-up report: <http://bit.ly/3UDpXGM>

## Texan leading TikTok ban in Congress urges state lawmakers to rein in their own social media legislation



According to a report by the *Texas Tribune* on April 11, 2023, U.S. Rep. **Michael McCaul**, one of the top China hawks in Congress who is leading the charge to restrict TikTok nationwide, warned Texas lawmakers not to discriminate against Chinese Americans and immigrants in their own statewide social media ban legislation.

Both McCaul and members of the Texas House introduced bills to curb perceived security threats by Chinese actors in the country via popular social media apps like TikTok, which is owned by a China-based company. McCaul's bill, the DATA Act, would require the administration to determine whether TikTok or its Beijing-based parent company, ByteDance, has ever transferred sensitive data to the Chinese government and to ban the app from the U.S. if so.

Meanwhile, in the Texas Legislature, Rep. **Jared Patterson**, R-Frisco, introduced a bill that would blanket ban apps owned by companies headquartered in a number of countries, including China, Russia, Iran and North Korea. Asian American groups decried the bill as too sweeping, asserting it would cut off many avenues for communication between immigrants and families back in China.

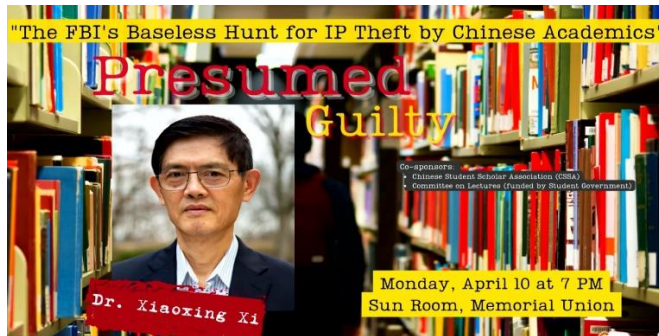
It's a concern that appears to resonate with McCaul, who pressed members of the Legislature to keep their bills focused on national security concerns and not pass laws so broad that they unfairly impact Chinese Americans and other immigrants.

"I've urged the state Legislature to be targeted in their approach, not a swath that would catch people that are just fleeing oppression," McCaul said in an interview with *The Texas Tribune*. "It's got to be very careful not to go too far with that and discriminate against, you know, people that are fleeing oppression versus those that are operating under espionage purposes."

McCaul, who chairs the House Foreign Affairs Committee, said he held a similar sentiment toward state legislation targeting land ownership by Chinese nationals. Gov. **Greg Abbott** expressed support earlier this year for banning land sales to certain Chinese citizens, which Asian American groups said could contribute to discrimination in the housing market. McCaul said land purchases by Chinese government actors around military bases was a legitimate security concern, "but again, I would make it targeted towards CCP-owned-and-operated enterprises."

Read the *Texas Tribune* report: <http://bit.ly/3UDC7zq>

## Presumed Guilty: The FBI's Baseless Hunt for IP Theft by Chinese Academics



On April 10, 2023, **Xiaoxing Xi**, Laura H. Carnell Professor of Physics at Temple University, gave a lecture on "Presumed Guilty: The FBI's Baseless Hunt for IP Theft by Chinese Academics." Since 2015, he has spoken out actively for open fundamental research and against racial profiling and received the American Physical Society 2020 Andrei Sakharov Prize for his effort.

Professor Xi has one consistent message with continuously updated sample cases and official references: Chinese scientists have been treated unfairly. In the Q&A session, a participant recounted her experience at the Lawrence Livermore National Laboratory when Dr. **Wen Ho Lee** was incarcerated in solitary confinement for nine months at the turn of the century.

Watch the video of Professor Xi's lecture at Iowa State University: <https://bit.ly/3KvWg5I> (58:52)

## CAPAC Chair Warns Anti-China Rhetoric Could Open the Door to Xenophobia





*NPR* conducted an interview with Rep. Judy Chu, Chair of the Congressional Asian Pacific American Caucus (CAPAC) on April 12, 2023. According to the *NPR* report, Rep. Chu responded to the attack from Texas Congressman Lance Gooden, who accused her of disloyalty in an interview with *Fox News*, by stating that "I was outraged. I was disgusted. And most of all, I was angry because it was so racist. It was based on a centuries-long stereotype that Chinese Americans and Asian Americans more broadly are forever foreigners in their own land, no matter how much they've contributed to this country, no matter whether they're someone like me, born in America. My father fought for the U.S. in World War II in the Army. I've been an elected official for 37 years in this country. How much more American do I have to be to prove that I am an American?"

Responding to questions about the "China Initiative," Rep. Chu said, "The China initiative,' exactly that, where Chinese scientists and researchers were accused of being spies for China on the flimsiest of evidence. Eventually, most of them were exonerated, but their lives were ruined because of this. So as a result, Chinese Americans are indeed very concerned about being the next ones to be accused... The 'China initiative' is a good example of overreach. I mean, obviously, we want to make sure that our national secrets are protected. But what Trump did was to make this a focus on one country. He didn't have a Russia initiative. He didn't have an Iran initiative. No. And in the discussions that I've been on national security, I always remind everybody, the lawmakers as well as the intelligence officials, that there is tremendous consequence to the xenophobia they could cause if they make this a racial issue. We only have to look at the Japanese American internment to see that 120,000 Japanese Americans lost everything that they had based on suspicions that there were spies amongst them. But to this day, not a single case of espionage has been proven."

Read the *NPR* report: <http://bit.ly/3KBS3xh>

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