

# Comment Period to NIH Extended

On March 1, 2021, the National Institute of Health (NIH) issued a request for comments and suggestions as part of its mandated efforts to end structural racism in biomedical research. Response date was extended recently to April 23, 2021.

NIH has contributed directly and indirectly to today's mass racial profiling and discriminatory investigations and prosecutions of Asian American and immigrant scientists and those with a "nexus" to China.

On June 12, 2020, [Science](#) reported that 54 scientists resigned or were fired as a result of an ongoing investigation by NIH into the failure of NIH grantees to disclose financial ties to foreign governments. APA Justice raised [six questions](#) at that time. The first was about due process: What rights do the scientists have in terms of defense and representation? How are they informed and explained about these rights? How consistent is the decision process from case to case and from institution to institution? Are the standards public and publicized? How well are the scientists informed about these standards? The due process question was brought up in the April 5, 2021 APA Justice meeting. Discussions of this topic are included as item 7 of the meeting summary posted here: <https://bit.ly/3s6yZw2>.

The NIH conduct, policies, and practices are ruining innocent lives and having a broader chilling effect on Asian American and immigrant scientists in applying for grants and conducting research, while damaging American leadership in science and technology by driving away needed talents and failing to catch real spies.

M.D. Anderson's purge of Asian American researchers is a prime example of systemic profiling. Dr. Xifeng Wu was among the first scientists forced to retire after she was put on administrative leave and had her grants and responsibilities taken away. She is now recognized for her significant contributions to manage the Covid-19 pandemic in China. She is a naturalized U.S. citizen, and her family still lives in Houston. How did her departure help U.S. leadership in science and technology? What threats have NIH mitigated by her and other Asian American scientists' departures? Dr. Xifeng Wu's story is posted here: <https://bit.ly/3dY4X88>

On March 29, 2021, [Times Higher Education reported](#) concerns expressed by the Association of American Universities (AAU) that policy guidance for federal agencies that the Trump administration issued on its final day in office have not been publicly reviewed and Biden officials appear to have begun implementing them through agencies that include NIH. The article cited the high profile cases of Harvard University Professor Charles Lieber and MIT Professor Gang Chen as part of the concerns.

Concerned individuals and community and scientific/academic organizations must speak up and ensure that NIH will be transparent and held accountable in ending structural racism in biomedical research by including Asian American and immigrant scientists. You can submit your comments and recommendations to NIH in three ways:

1. Sign on to the Advancing Justice | AAJC comments (<https://bit.ly/2QbFuAs>) by completing this online form: <https://bit.ly/2ReNiSf>
2. Submit your own comments by using the templates prepared by AAJC for individuals (<https://bit.ly/2PEIzcm>) or organizations (<https://bit.ly/3uDmpWL>) respectively
3. Submit your own comments according to NIH's instructions: <https://bit.ly/323TM8Y>

Questions should be directed to Gisela Kusakawa at [gkusakawa@advancingjustice-aaic.org](mailto:gkusakawa@advancingjustice-aaic.org) or Vivin Qiang at [vqiang@advancingjustice-aaic.org](mailto:vqiang@advancingjustice-aaic.org)

**Alert:**

On April 8, 2021, [Reuter reported](#) the introduction of "[Strategic Competition Act of 2021](#)." The bill reportedly included a "strong and actionable" plan to counteract China's influence efforts at U.S. universities.

## 04/05 Meeting Summary Posted

Summary of the April 5, 2021 APA Justice meeting is now available at <https://bit.ly/3s6yZw2>. We thank the speakers for covering the following topics in the meeting:

- Patrick Toomey of ACLU reported on the ACLU structure and legal operations, historical and current efforts against racial profiling and discrimination of Asian American scientists dating from an amicus brief for Dr. Wen Ho Lee to an update of court actions on Dr. Xiaoxing Xi's civil suit, its Freedom of Information Act (FOIA) requests filed jointly with Advancing Justice | AAJC, amicus brief against the WeChat ban, Know Your Rights educational materials, and recent advocacy efforts against anti-Asian hate and violence.
- Alex Nowrasteh of Cato Institute's cost-benefit analysis on [Espionage, Espionage-Related Crimes, and Immigration](#) based on 30 years of data, studying the frequency of espionage occurrence, how damaging it is, when it occurs, and whether extreme policy measures such as restricting immigration from China would pass a cost-benefit test. The federal government has yet to provide any data or meaningful analyses to justify its allegations and publicity campaigns used in the "China Initiative" and the profiling of Asian American and Chinese scientists.
- Patrick Eddington of Cato Institute described the whole-of-government FOIA requests and his interest to work with the Asian American community to help study the Transportation Security Agency's Silent Partner and Quiet Skies Programs, which has impacted Arab and Muslim and other immigrant communities for years.
- Gisela Kusakawa and Vivin Qiang of Advancing Justice | AAJC's reported on administrative advocacy, amicus brief basics, Youth Leadership Summit, and the NIH UNITE Initiative. In addition, the petition was finalized on April 9 and

sent to President Biden. A letter to Congressional members is still open for individuals to send if you have not already done so.

- Mike German of the Brennan Center announced that the Fourth Webinar in a series on the "China Initiative" is scheduled for April 28, 2021.
- Maryland State Senator Susan Lee provided an update on the requested House hearing.
- Responses to the question on whether attention has been paid to institutions and universities that have suspended or fired their faculty members as soon as NIH or other federal agencies started their investigations, but frequently without due process.

The next APA Justice monthly meeting will be held on Monday, May 3, 2021. May is Asian American and Pacific Islander Heritage Month.

## **The "We Belong" Yellow Whistle™ Project**

The "We Belong" Yellow Whistle™ Project was started by Agnes Hsu-Tang, Oscar Tang, Li-En Chong, and several other generous individuals in response to the anti-Asian violence. The project is supplying free special-designed yellow whistles with a "We Belong" message (see picture below) to individuals and organizations, preferably 501(C)3 organizations with demonstrated strong community ties. In America, yellow has been weaponized against Asians as the color of xenophobia. The whistle is a symbol of self-protection and solidarity in our common fight against historical discrimination and anti-Asian violence. It is a simple gadget with a universal purpose - to signal alarm and call for help - for all Americans. We shall not remain silent, because we belong!

The Yellow Whistle campaign will officially launch on April 19, National Patriots' Day. It encourages all supporters to show solidarity on this day by wearing the Yellow Whistle and posting an image of the Yellow Whistle and the link to its website on their social media. It can also be used in rallies and protests on other occasions. If you would like to continue the campaign [#StopAsianHate](#) [#StopAAPIHate](#), please consider a donation to [Asian Americans Advancing Justice | AAJC](#). Any donation is greatly appreciated. The Yellow Whistle campaign is an independent project not affiliated with these organizations. APA Justice is a partner of the "We Belong" Yellow Whistle Project.

Read more at <https://www.theyellowwhistle.org/> and let us know if you need help.



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