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2024/06/03 APA Justice Monthly Meeting

The next APA Justice monthly meeting will be held via Zoom on Monday, June 3, 2024, starting at 1:55 pm ET.

In addition to updates by **Nisha Ramachandran**, Executive Director, Congressional Asian Pacific American Caucus (CAPAC); **Joanna YangQing Derman**, Director, Advancing Justice | AAJC; and **Gisela Perez Kusakawa**, Executive Director, Asian American Scholar Forum (AASF), confirmed speakers are:

- **Tam Dao**, Assistant Vice President for Research Security, Office of Innovation, Rice University, will report on the future of the National Science Foundation (NSF)'s Research on Research Security program
- **Haipei Shue**, President, United Chinese Americans, will report on the 2024 Chinese American Convention
- **Jeremy Wu**, Co-Organizer, APA Justice, will preview an alpha version of a web page on exonerated Professor Anming Hu
- **Anming Hu**, Professor, University of Tennessee at Knoxville, will give an update of his situation and his family since the end of his ordeal under the China Initiative.

The virtual monthly meeting is by invitation only. It is closed to the press. If you wish to join, either one time or for future meetings, please contact one of the co-organizers of APA Justice - **Steven Pei 白先慎**, **Vincent Wang 王文奎**, and **Jeremy Wu 胡善庆** - or send a message to contact@apajustice.org.

An Urgent Call for Clear and Fair Law Enforcement Guidelines and Procedures for Research Security

An Urgent Call for Clear and Fair Law Enforcement Guidelines and Procedures
for Research Security

Neal Lane, Steven Pei, and Jeremy Wu
May 26, 2024

The U.S. science and technology enterprise is unparalleled, and its contribution to the security and well-being of the American people is indisputable. In recent years, however, federal initiatives intended to protect American science and technology have strayed from their purpose and are rendering our nation increasingly unable to draw and retain science and technology talent – putting our competitive edge at risk during an era of techno-competition with key competitors.

Our scientific success is rooted in core values, including collaboration, honesty, transparency, integrity, the fair competition of ideas, and the protection of intellectual capital. Some foreign entities do not share these values and are working to illicitly acquire our research and innovation. This necessitates laws – and law enforcement.

But it is vital that law enforcement guidelines and procedures be clear and fair for maintaining public trust, upholding individual rights, and promoting accountability and consistency within the justice system. Otherwise, we can expect our competitive edge in science and technology to wane, as well as our standing as a leading democracy.

On May 27, 2024, **Neal Lane***, **Steven Pei***, and **Jeremy Wu*** posted a public commentary, urgently calling for the FBI, Homeland Security Investigations (HSI), and other federal law enforcement agencies to coordinate their policies using comparable principles with the National Science and Technology Council (NSTC) and set clear, fair guidelines and procedures.

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The authors address the China Initiative which subjected hundreds of researchers to investigations, with none convicted of espionage, but instilling fear and confusion within academic and research institutions.

Since the end of the China Initiative, foreign researchers, students, green card holders, and American citizens have continued to face difficulties at U.S. ports of entry. These incidents raise concerns about the criteria for secondary inspections and highlight a communication gap between policymakers and law enforcement. The U.S., long a leader in science and technology due to attracting global talent, risks losing this advantage if law enforcement does not follow clear, fair policies. This is exemplified by the declining U.S. share of top AI talent and a significant drop in Chinese students studying in the U.S., with China now educating more scientists and engineers domestically than the U.S.

Protecting intellectual property and national security is critical. But these initiatives must be balanced with protecting individual rights, welcoming foreign talent, and encouraging international basic research collaboration. Otherwise, we risk repeating past mistakes.

There is a way forward.

With its sharp focus on research security, the White House Office of Science and Technology Policy (OSTP) has set a balanced path to guide policies of federal agencies that support research. There is a similar need for the FBI, HSI, and other federal law enforcement agencies to coordinate their policies using comparable principles and set clear, fair guidelines and procedures.

Given OSTP's unique role and capability within NSTC, it should also coordinate with all key law enforcement agencies to close the apparent gap in communication between national science and technology policy set by NSTC and agents at the forefront of law enforcement. In doing so, it can protect America's security and economic competitiveness while minimizing the unintended negative impact and associated chilling effects on the science and technology community.

** Dr. Neal Lane is Senior Fellow in Science and Technology Policy, Baker Institute, Rice University, and Former Director, Office of Science and Technology Policy at the White House. Dr. Steven Pei is Co-Organizer of APA Justice; Founding Chair of United Chinese Americans; and Professor at the University of Houston. Dr. Jeremy Wu is Co-Organizer of APA Justice; Member of Committee of 100; and Retired from the Federal Government.*

Read the full commentary: <https://bit.ly/4bVdN38>

A Dialogue Between Academic/APA Communities and The FBI

A Dialogue Between Academic/APA Communities and The FBI



WHAT: A Dialogue Between Academic & APA Communities and The FBI

WHEN: June 6, 2024, 4:00 - 6:00 pm **Central Time**

On June 6, 2024, the Baker Institute and the Office of Innovation at Rice University, the Texas Multicultural Advocacy Coalition, and APA Justice will co-host a hybrid forum titled "A Dialogue Between Academic & APA Communities and The FBI."

In 2022, the Department of Justice ended its China Initiative — a strategy to counter Chinese espionage and threats to U.S. research security — after academic and civil rights groups raised concerns about bias and damage to the United States' scientific enterprise. Since then, however, reports of border entry issues have increased for Chinese academic researchers and graduate students.

This event brings together Jill Murphy, deputy assistant director of counterintelligence at the FBI, and the leadership of the FBI's Houston field office for a dialogue with members of the academic and Asian American communities. It will examine gaps between federal science and technology policy and its implementation — particularly in the context of law enforcement at the U.S. border. It will also explore the possibility of establishing a regular communication channel between the academic and Asian American communities with FBI field offices.

Read and register to attend the open and free event in person by visiting this Rice University web page: <https://bit.ly/4awKUsZ>

Register to attend the forum via Zoom: <https://bit.ly/3wjq759>. For more details about the forum, visit this APA Justice web page: <https://bit.ly/3wNL2Xi>



Condemning Yet Another Attempt to Reinstate The China Initiative



During the House Judiciary Committee Markup Meeting on May 22, 2024, Ranking Member **Jerrold Nadler** (D-NY) delivered the following opening statement in strong opposition to H.R. 1398, the “Protect America’s Innovation and Economic Security from CCP Act,” which is another attempt to reinstate the China Initiative.

“Mr. Chairman, in 2018 the Trump Justice Department launched what it called the “China Initiative”. While it was ostensibly designed to counter efforts by the Chinese government to steal American intellectual property, the program ultimately had few successes. For nearly four years, the National Security Division brought a series of unsupportable cases against Chinese academics at the height of their careers. The government was forced to drop many of these prosecutions. Others failed in court. Even more were overturned on appeal.

The China Initiative was born out of the understanding that a strategic priority of the United States is countering national security threats from China. Had the DOJ gone in a different direction from this starting point, we might be here lauding the successes of the “defend U.S. trade secrets program.”

Instead, the Trump DOJ invested significant resources into targeting individuals of Chinese descent working in the United States, diverting crucial funding and personnel that could have been used to combat economic espionage and trade secret theft across the board. But the China Initiative did not just waste valuable resources. Rather than keeping Americans safe, the China Initiative divided workplaces, ruined careers, and contributed to anti-Asian hate. If you were a person of Chinese descent working in American higher education, you were a suspect. Rather than keeping America safe, the China Initiative divided workplaces, ruined careers, and contributed to Anti-Asian hate at the height of the pandemic, when tensions were already high.

Many of my colleagues who served on this Committee during the pandemic remember the vitriol, the careless word choice, and the characterization of “otherness” directed at Asian Americans during that time.

Programs like the China Initiative, with its explicit targeting of Chinese citizens working in the United States, only served to amplify these tensions.

For many of us, the clear drawbacks and minimal successes of the program were obvious in real time, and I am proud to say that I opposed the China Initiative throughout its short existence. And I was glad to see the program ended in early 2022 by the Biden Administration. Unfortunately, this legislation, which would establish a “CCP Initiative” at the National Security Division, would simply reestablish the China Initiative by another name. My colleagues across the aisle have repeatedly suggested that without the China Initiative, we as a country are not being “tough on China.” But what the majority fails—or refuses—to realize is that programs like these are wholly ineffective at protecting our intellectual property.

In fact, they do the opposite. During its four-year tenure, the China Initiative stifled innovation by discouraging foreign talent from moving to American companies and prevented Chinese researchers from accepting positions at our institutions of higher learning. We cannot quantify those missed opportunities. There is no way to know what inventions never came to be, but we can realize when we made a mistake, and move on. This bill would prevent us from doing so. I appreciate that my colleagues have been circumspect when talking about the national security threat posed by China. But it is imperative that we differentiate the many people who live and work in the United States from the threat posed by the government of China, not just in our words but in our actions.

It is also concerning that this bill would reestablish a pillar of a program that was repeatedly used to target Chinese professors working at American research institutions.

Countries around the world send their best and brightest to the United States for education and to perform valuable research in our academic institutions. But instead of welcoming their contributions to our economy and to our society, programs like the China Initiative encourage them to take their training and their talents elsewhere.

In a September 2022 report by the Asian American Scholar’s Forum, researchers found that between December 2021 and March 2022, 42 percent of the over 1,300 faculty members surveyed nationwide reported being fearful of conducting research in the U.S. A further 61 percent felt pressure to leave the U.S., and 45 percent intended to avoid federal grant applications. It is foolhardy to punish China by harming American innovation, but by discouraging researchers from working here, that is exactly what we did.

The IP Subcommittee has conducted several bipartisan hearings on the threat posed by the Chinese government’s theft of trade secrets. Democrats and Republicans agreed that there is a real, significant threat to our national security.

But this Committee has more important things to do than revisit failed Trump-era programs. If anything, we should expend our oversight resources ensuring that the DOJ is not simply following the practices of the China Initiative in all but name today.

This legislation would take us in the opposite direction. I oppose the bill, I encourage my colleagues to do the same, and I yield back the balance of my time."

Watch Rep. Nadler's opening

remarks: <https://www.youtube.com/watch?v=VVIXiH1m5uM> (5:05). Read the press

release: <https://bit.ly/3Kf1hjj>

On May 22, 2024, the Asian American Scholar Forum (AASF) issued a statement to condemn the House Judiciary Committee mark-up vote of HR 1398 "Protect America's Innovation and Economic Security from CCP Act," and all efforts to reinstate the discriminatory "China Initiative" program. HR 1398 would reestablish the "China Initiative"—a program that raised serious concerns of racial profiling and targeting of Asian Americans and immigrants, particularly of Chinese descent. The reinstatement of the "China Initiative" would have devastating consequences especially for Asian American scholars, many of whom had their lives upended as a result of the harmful Initiative.

Gisela Perez Kusakawa, AASF Executive Director, said, "with this most recent attempt to reinstate the China Initiative, we are reminded yet again of discriminatory investigations that create a 'living hell' for researchers and their families. There is absolutely no reason for us to take a step back and reinstate a policy that has deeply harmed so many and led to a widespread chilling effect for our communities, especially during Asian American, Native Hawaiian, and Pacific Islander Heritage Month. While AASF has worked diligently to build bridges and foster trust at the federal level, we also closely monitor the work of our legislators and stand firm in our opposition to any attempt at reinstating the 'China Initiative,' including HR 1398. We will continue to work toward healing, trust, and academic equality for all, but this will not be possible if this Initiative is reinstated. Our country is made stronger when Asian Americans and immigrants are able to contribute freely without fear of discrimination or harm—and any legislation from Congress should be a reflection of that."

Read the AASF statement: <https://bit.ly/3UXmljr>.

2024/05/24 Foreign Policy: [When Knowledge Stops at the Water's Edge](#)

2024/05/24 Tech Policy: [When National Security Concerns Become Unjust: Preventing a Second "Yellow Peril"](#)

News and Activities for the Communities

1. APA Justice Community Calendar

Upcoming Events:

- 2024/06/03 APA Justice Monthly Meeting
- 2024/06/06 A Dialogue Between Academic/AAPI Communities with The FBI
- 2024/06/20 U.S.-China Relations: Untangling Campaign Rhetoric & Understanding Policy – Teachers Workshop
- 2024/06/20-22 Social Equity Leadership Conference
- 2024/06/27-30 2024 Chinese American Convention

Visit <https://bit.ly/45KGyga> for event details.

2. Kei Koizumi on the Science Budget



Kei Koizumi is the principal deputy director for policy at the White House Office of Science and Technology Policy. In a recent podcast from *Issues in Science and Technology*, he talked about his role at the very heart of US science policy. He discusses what he does at OSTP, how he got there, and the exciting developments in science and technology policy that get him out of bed every morning.

OSTP does not provide direct research funding, like the National Science Foundation does. It does not run national labs, like the Department of Energy does. Its annual budget of just under \$8 million in the last fiscal year is barely a rounding error compared with, say, the National

Institutes of Health’s \$48 billion budget.

But OSTP does set priorities for how the federal government spends more than \$200 billion on research and development. “That is a lot of leverage and power,” says Kei Koizumi, “and shaping that research funding helps shape the direction of research throughout the United States—and indeed the world, because the world does look to ‘What does the US think is important?’ as a clue to ‘Maybe my nation should be thinking about that as an important topic as well.’”

Read and listen to the podcast: <https://bit.ly/3UXGPbK>

3. U.S.-China Relations: Untangling Campaign Rhetoric & Understanding Policy – Teachers Workshop

**U.S.-CHINA RELATIONS:
UNTANGLING CAMPAIGN RHETORIC &
UNDERSTANDING POLICY**

Neysun Mahboubi
Director, Penn Project on the Future of
U.S.-China Relations, U. of Pennsylvania
Speaker

Susan Thornton
Senior Fellow & Visiting Lecturer, Yale
Law School Paul Tsai China Center
Speaker

Hua-Yu Sebastian Cherng
Vice Dean for Research and Equity,
NYU Steinhardt School
Moderator

TEACHERS WORKSHOP | **JUNE 20** | 4 pm PT
7 pm ET |

WHAT: U.S.-China Relations: Untangling Campaign Rhetoric & Understanding Policy – Teachers Workshop

WHEN: June 20, 2024, 7:00 pm ET

WHAT: Online Webinar

HOST: 1990 Institute

Moderator: Ha-Yu Sebastian Cherng, Vice Dean for Research and Equity, Office of Research and Office of Diversity, Equity, and Belonging; Associate Professor of International Education, New York University Steinhardt School of Culture, Education, and Human Development.

Panelists:

- Neysun Mahboubi, Director of the Penn Project on the Future of U.S.-China Relations, University of Pennsylvania
- Susan Thornton, Senior Fellow and Visiting Lecturer in Law, Yale University Law School Paul Tsai China Center; Director of the Forum on Asia-Pacific Security, National Committee on American Foreign Policy; and Non-Resident Fellow, Brookings Institution.

DESCRIPTION: This workshop addresses the needs of the many middle and high school educators who are interested in deepening their understanding of U.S.-China relations,

untangling political rhetoric from actual policies, and incorporating this knowledge into their teaching. This workshop will help attendees promote critical thinking, understand policy implications, augment current knowledge of U.S.-China relations, and build media literacy.

REGISTRATION: <https://bit.ly/4bSemem>

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