February 11, 2004

To: Faculty Senate Executive Committee
From: Faculty Senate Research Committee

Subject: Impact of new immigration rules and procedures on our multiple missions

It is becoming clear that the implementation of the various immigration rule changes following the tragedy of 9/11 has already and will have an ever growing negative impact on international scientific exchange. Such exchanges have long been an important part of the success of our research universities in developing new knowledge and technologies. In a recent presentation to NASULGC, Dr. Gates presented a very strong case for immediate action to address these problems before they inflict irreparable harm to our nation’s ability to continue its leadership role in research and education. The Research Committee endorses the recommendations suggested by Dr. Gates to address this problem and suggests that the Faculty Senate consider adopting a similar resolution supporting this plan. With Dr. Gates forward thinking on this problem and how it can and must be addressed, and with the strong support of faculty based organizations like ours, we can only hope that the federal departments and agencies involved will come to appreciate the importance of this matter and act to correct this problem.

Dr. Gates’ suggestions are as follows:

First, the President should clearly reaffirm National Security Decision Directive 189.

In 1985, President Reagan promulgated NSDD 189 establishing classification as the only appropriate means of control of federally sponsored university research with national security implications. The university research community supported this directive and the current administration has maintained that this policy remains in effect. However, we have seen the importance and central meaning of this directive beginning to be diluted in various departments and agencies.

Second, the transfer of several research related programs from various federal agencies to the Department of Homeland Security has led to some anxiety in higher education. For example, chemical, biological and nuclear programs once overseen by other departments and agencies are now under the jurisdiction of Homeland Security. We need to know more about how these programs will operate in the new department, and we are eager to help devise approaches that both avoid creating significant obstacles for us and still meet the government’s security objectives.

Further, to facilitate educational and scholarly exchanges:

(1) Streamline the screening processes currently used to determine whether a U.S. visa can be issued.

(2) Provide a mechanism to highlight critical need cases for immediate action.

(3) Embrace and promote abroad the idea that outstanding students and scholars are welcome to study and research in the U.S.

(4) Streamline the process to ensure that a foreign student or scholar, once cleared for and granted a visa, can come and go more expeditiously subsequently.

(5) Maintain funding that supports critical educational exchange programs.

Lastly, he has suggested consideration be given to creation of a small interagency group under the joint auspices of Dr. Rice and General Gordon to coordinate the government’s implementation of restrictions relating to research and immigration. Further, they would designate several senior officials to meet regularly with a small group of representatives of higher education (perhaps named by AAU & NASULGC) and representatives of the business community (perhaps named by the Council on Competitiveness). This would institutionalize a dialogue to address homeland security issues that affect not only our national security but also our economic well-being, our technology leadership, our unique role in global research and our premier role in educating the best and brightest from around the world.

The Research Committee endorses the elements of Dr. Gates’ plan as outlined. We also recommend that the Faculty Senate consider offering to help Dr. Gates in anyway possible to see that these changes are implemented in a timely fashion.