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Washington, DC 20515

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November 16, 2015

Honorable Penny Pritzker
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Honorable Pritzker:

We write to highlight the case of Sherry Chen, an employee of the National Weather Service within the National Oceanic and Atmospheric Administration (NOAA). NOAA issued a Proposed Disciplinary Action (PDA) against Ms. Chen earlier this year, and she is currently awaiting notice as to whether she will be able to keep her job. We respectfully request that you consider her case fairly and judiciously in light of the unique, yet troubling, circumstances surrounding the PDA.

On October 24, 2014, Ms. Chen was arrested by six agents from the Federal Bureau of Investigation (FBI) in her office at NOAA.¹ While the charges concerned the use of a stolen password to download information about water dams, the crux of the investigation was rooted in accusations that Ms. Chen was a spy for China. In fact, Ms. Chen was thoroughly interviewed by the FBI about her then-recent visit to China. Shortly after this trip, Ms. Chen, who is a U.S. citizen, was berated without explanation and accused of betraying her country, only to have all of the charges dropped five months later.

Despite having all the charges dropped, this arrest and accusation turned Ms. Chen's life inside out. Not only has she been placed on administrative leave from the job that she loves, but she also suffers the mental and psychological impact of being falsely accused of espionage by her own government in a prolonged investigation.


Ms. Chen's case comes in light of a series of similar cases in which Chinese Americans have been accused of espionage or spy-like activity, only to have all the charges dropped without explanation.² While Congress investigates whether these cases involved a racial animus that treats Chinese Americans as spies before proven guilty, we ask that you take appropriate measures to ensure that Ms. Chen is treated fairly and judiciously within all applicable laws and regulations. In particular, her race or ethnic surname should not be a consideration in the PDA against her.


¹ See Perlroth, Nicole, *Accused of Spying for China, Until She Wasn't*, THE NEW YORK TIMES (May 9, 2015), available at http://www.nytimes.com/2015/05/10/business/accused-of-spying-for-china-until-she-wasnt.html?_r=0.


² See Apuzzo, Matt, *U.S. Drops Charges That Professor Shared Technology With China*, THE NEW YORK TIMES (Sept. 11, 2015), available at <http://www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html>.


We thank you for your attention to this matter, and look forward to working with you to ensure that Asian Americans—like all Americans—are treated equitably by our government.


Sincerely,


JUDY CHU, PhD
Member of Congress
CAPAC Chair


TED LIEU
Member of Congress
CAPAC Member


MICHAEL M. HONDA
Member of Congress
CAPAC Chair Emeritus


XAVIER BECERRA
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SCOTT**
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