

## Committee of 100

ENSURING FULL INCLUSION IN AMERICA  
ADVANCING U.S.-CHINA RELATIONS

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March 24, 2016

To Whom It May Concern:

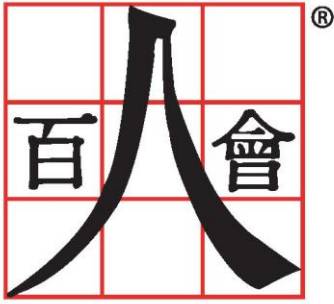
The [Committee of 100](#) submits the following comment on *Privacy Act: Implementation of Exemptions; Department of Homeland Security/ALL-038 Insider Threat Program System of Records*, Docket Number DHS-2015-0050:

The Privacy Act was enacted to safeguard against misuse and abuse of information and data about an individual collected by the government. DHS proposes major, extensive exemptions from the Privacy Act under the National Insider Threat Program, including avoidance of accounting for disclosure, denial of an individual from accessing his or her own records, and collection and retention of information about an individual regardless of relevancy or accuracy and without notification.

The Committee of 100 strongly supports law enforcement in general, and has done so in the past. There is a singular concern in this instance that the DHS proposal is too broad and should reflect a needed protection or assurance about the importance of protection of innocent individuals who may be caught up in DHS' activities and processes.

Historically in our country, Asian Americans have been subjected to incredible discrimination including the Chinese Exclusion Act. Again, during the Second World War, individual census data was used to identify, collect and intern Japanese Americans although such disclosure was [prohibited by law](#). In more recent times, an overzealous desire to protect American properties has overstepped legal boundaries. A Chinese American federal contractor was prosecuted by a biased investigation, which ultimately led to the presiding federal judge apologizing for the inappropriate prosecution and treatment at the end of the trial. Another Chinese American federal employee was wrongfully accused by an unreliable source based on the former's national origin; serious damage had already been inflicted on the individual by the time the government dismissed her case. These matters shattered dreams, and destroyed careers, lives, and financial security.

Today, hundreds of thousands of Asian Americans serve our nation loyally and honorably as federal employees and contractors. The DHS proposal, as it stands, increases the risk that innocent individuals will be falsely accused in secret due to misunderstanding, prejudice, or



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bigotry, and subject to unjust and damaging investigations and prosecutions with no recourse.

Therefore, the Committee of 100 recommends that the DHS proposal be modified to allow, at a minimum, for:

- An individual to be allowed to review at least a summary of his or her security file upon request;
- An individual, upon investigation or when accused of wrongdoing, to be allowed full access to his or her security file as part of due process;
- Irrelevant and inaccurate information to be purged from the individual's records when their status is clear;
- Publicly available statistical summaries to be produced to track and monitor the status and trends of the collection and use of information;
- Third-party monitoring to be established to review regularly the inherent policies and practices related to the program.

Thank you for considering our comments.

Sincerely,

Herman Li  
Acting Chair

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The [Committee of 100](#) is a leadership organization of prominent Chinese Americans in business, government, academia, and the arts. C-100 members are leading U.S. citizens of Chinese descent who leverage their collective influence and resources to strengthen U.S.-China relations and promote the full participation of Chinese Americans in American society. For over a quarter century, the Committee has monitored issues affecting Chinese Americans and served as a high-level bridge in the U.S.-China dialogue fostering regular exchanges with the leadership of Beijing, Taipei, and Washington.