

September 20, 2023

To: Members of the U.S. Congress

As organizations dedicated to civil rights who represent many of the communities that would be impacted, we write to urge that discriminatory restrictions based solely on national origin be removed from the final FY24 National Defense Authorization Act (NDAA).

Amendment #813 introduced by Sen. Mike Rounds (R-SD) to S.2226 would prohibit nationals from China, Russia, Iran, and North Korea who are lawfully admitted to the United States, but who do not have citizenship or a green card, from purchasing agricultural property greater than 320 acres or in excess of \$5,000,000 in value. This would result in a clear violation of the civil rights of these individuals solely on the basis of their national origin, setting a disturbing precedent that risks further targeting of immigrant communities. While the amendment does include a waiver provision, the standard is unreasonably high, allowing the President to waive this restriction only after determining that doing so is “vital to the national security interests of the United States.”

While this amendment was adopted over our objections, we are thankful that several Senators voted against this provision or, after voting in the affirmative, publicly committed to opposing a final version of the provision that does not mitigate or otherwise address our concerns. The latter included Sen. Chris Van Hollen (D-MD), who in a [statement for the record](#) noted:

“The language seems to equate individuals from the specified countries as synonymous with their governments. Under this provision, if an individual with a valid visa, who has no connection to one of the governments listed, seeks to buy agricultural property above a certain threshold, the U.S. Government would deny them the ability to proceed with the purchase simply because of their national origin. While the national security concerns this amendment seeks to address are real, we must not discriminate on individuals based on national origin, race, or ethnicity. I voted in favor of my colleagues' amendment in order to continue the conversation on this important issue, but will not support any final provision that does not resolve these civil liberties concerns.”

Past experience has shown us that a seemingly narrow discriminatory provision can be used in the future as a justification to expand and excuse broader discrimination. For example, Donald Trump cited discriminatory Visa Waiver Program restrictions enacted during the Obama administration as an excuse for imposing his own Muslim ban. The amendment further recalls past efforts to discriminate against Asian immigrants and other marginalized communities based on false claims of national security. For instance, in the early 1900s, a number of states used similar justifications to justify alien lands laws preventing Asian immigrants from owning land. While these laws were either struck down by the courts or repealed by state legislatures over time, they only served to exacerbate discrimination against Asian communities living in the

United States. We remain thankful to those legislators who have already committed to ensure that any restrictions that pass in the final NDAA include protections for all individuals lawfully admitted to the United States, including through explicit exemptions for visa holders and refugees.

We look forward to working with you to address our urgent civil rights concerns and to continue to safeguard our democracy.

Sincerely,

American-Arab Anti-Discrimination Committee (ADC)
Armenian-American Action Network
Asian Americans Advancing Justice (AAJC)
American Civil Liberties Union (ACLU)
Asian American Scholar Forum
CAIR-WA
Council on American-Islamic Relations
Defending Rights & Dissent
Hindus for Human Rights
Justice is Global
MPower Change Action Fund
Muslim Advocates
National Asian Pacific American Bar Association
National Immigration Law Center
National Iranian American Council Action
OCA - Asian Pacific American Advocates
Project South
Rise AAPI
Sikh American Legal Defense Education Fund (SALDEF)
The Sikh Coalition
Win Without War