

Statement for the Record by Rep. Judy Chu, Chair of the Congressional Asian Pacific American Caucus (CAPAC)

Senate Committee on Agriculture, Nutrition, & Forestry

Hearing on “Foreign Ownership in U.S. Agriculture”

September 27, 2023

Thank you, Chair Stabenow, Ranking Member Boozman, and other esteemed Members of the Committee for the opportunity to submit a statement for the record.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I am incredibly concerned by efforts to restrict ownership of land and property by immigrants from the People’s Republic of China, Russia, Iran, and North Korea. Recent attention on foreign investment in the U.S. food and agriculture sectors has focused on fears that Chinese government and government-owned entities are creating a national security risk by amassing U.S. farmland and potentially gaining control of our nation’s food supply—an assumption that does not currently have any factual evidence behind it. I do not oppose limiting foreign governments, state-owned enterprises, entities, companies, or individuals with ties to foreign governments from making purchases of agricultural land or property. However, I staunchly object to any legislation—at the federal, state, or local level—that bans an individual from land or property ownership solely based on their country of origin. At this moment of heightened U.S.-China tension and as we in Congress remain vigilant in protecting our national and economic security, as CAPAC Chair, I will continue to raise my voice to ensure that we are not eroding the civil liberties of individuals in our communities.

Most alarming of all is the impact of anti-China fearmongering on Chinese immigrant communities and the erection of unfair barriers to their pursuit of the American Dream solely because of their country of origin. I speak out now as we have seen policies like this before in our nation’s history. Such policies targeted at individual citizens echo xenophobic alien land laws targeting Asian immigrants—in the 1800s, when anti-Chinese sentiment culminated in the Chinese Exclusion Act of 1882, or during World War II when tensions with Japan led to the stripping of land ownership rights from Japanese immigrants and the incarceration of 120,000 Japanese Americans.

The country witnessed again the same harmful prejudices that marred our history when Florida Governor Ron DeSantis signed a law in May 2023 preventing foreign nationals from China and six other countries from purchasing what the state deems sensitive American land. Individuals from China who are not U.S. citizens or lawful permanent residents are barred from owning Florida property altogether, with limited exceptions for residential property by those lawfully present in the United States. This law allows the state to discriminate against Chinese home seekers and places a disproportionate and stigmatizing burden on current Chinese homeowners who must register their property with the State.¹ This will harm a much wider immigrant

¹ *DeSantis signs bill restricting certain foreigners from property buys*, Axios, <https://www.axios.com/local/tampabay/2023/05/08/florida-ron-desantis-china-property>

population: as a result, Asian Americans living in Florida will now likely face undue suspicion when purchasing property, including agricultural land or farmland.

As Chair of CAPAC, I recommend two approaches for how this Committee can examine this topic without casting suspicion or discrimination on the Asian American community. First, I urge that any provisions addressing foreign ownership of land or property must be narrowly tailored to specify foreign governments, or those subject to sanctions on Treasury Department's Specially Designated Nationals and Blocked Persons List, as subject to restrictions, and not impact Asian immigrant or Asian American individuals.

Second, I welcome additional efforts to increase our understanding of specific security threats posed by foreign ownership of U.S. land, including agricultural land, through the direction of studies and data collection. For example, according to the U.S. Department of Agriculture (USDA), foreign persons own 2.9 percent of all privately held U.S. agricultural land, and 1.7 percent of all U.S. land in 2021. Of those shares, Chinese investors own less than 1 percent of all foreign-held U.S. agricultural land. In contrast, Canada owns 31 percent and the Netherlands owns 12 percent.² The Committee must take these specific figures into account as it considers proposed legislative solutions, and if it finds that current data may be incomplete or inaccurate, should direct their efforts towards improving data collection and reporting.

There is no question that we must fight against all threats to American security. But in this process, we must not ensnare innocent individuals and communities or compromise our fundamental values of liberty and equality. It is dangerous to categorize an entire country of people as a threat to our national security, and I urge the Committee to reject these overly broad and xenophobic attempts to build a case that Chinese individuals should be viewed with more suspicion than others. This Committee should not condone profiling that encourages individuals to view all Chinese and Chinese Americans, and Asian Americans broadly, as potential national security threats. Instead, it must consider genuine solutions to ensure the rights of our communities domestically are not collateral damage.

Especially as this is a priority issue for CAPAC, I offer the Committee our Caucus' expertise in this matter as a resource. Please do not hesitate to reach out to our Caucus to ensure that discussions on this matter continue in a productive way that is not harmful to Asian American communities. Thank you again for the opportunity to submit a statement and to ensure that the record reflects strong opposition to any attempt to ban an individual from agricultural land or property ownership solely based on their country of origin. There is no room for this type of prejudice in our country's laws or practices.

² *Foreign Holdings of U.S. Agricultural Land through December 31, 2021*, USDA, https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/EPAS/PDF/2021_afida_annual_report_through_12_31_2021.pdf#:~:text=Foreign%20persons%20held%20an%20interest%20in%20approximately%2040,percent%20of%20all%20land%20in%20the%20United%20States.