



The Alabama Asian Bar Association (AABA) and the National Asian Pacific American Bar Association (NAPABA) strongly urge the Alabama legislature to safeguard the property rights of all Asian American Alabamians, including the many lawfully present Chinese Americans who call the state home, and who contribute economically, socially, and culturally to life in Alabama. HB 379, known as the “Alabama Property Protection Act,” as introduced, would bar “any individual who is a citizen of China” from purchasing any real estate.

AABA and NAPABA recognize the legitimate national security concern of safeguarding critical infrastructure from malign foreign influence, and appreciate that the Alabama Senate has made amendments that seek to distinguish between agricultural land and property that is adjacent to critical infrastructure and military facilities, from real estate that may be far away from such installations. However, the substitute version of the bill still contains provisions that could harm Alabama’s economic interests. A Senate amendment to the substitute changing the focus to governments and officials, rather than private individuals, also helps mitigate serious problems.

Without such amendment, the Senate substitution would have continued to ban all Chinese citizens who are lawfully present in the state and authorized to work (with the exception of green card holders and dual U.S. citizens) from purchasing a home in any metropolitan area. That is because the legislation as would have prohibited anyone domiciled in China, Russia, North Korea, and Iran from acquiring real estate within a 10-mile radius of a military base or any “critical infrastructure,” which is defined to include any airport, refinery, electric plant, or wastewater treatment facility. So, for example, a Chinese citizen enrolled at the University of Alabama on a student visa would not be able to buy a condo in Tuscaloosa, which has two water treatment plants within five miles of the campus. No Chinese citizen admitted on an employment-based visa would be able to purchase a house in Birmingham (which has four treatment plants); in Huntsville (home to the state’s largest Asian American population) with six; nor in Montgomery, which is home to Maxwell Air Force Base.

Any bill must distinguish between state officials working for the People’s Liberation Army or other organs of Chinese state, political, intelligence or military power, and ordinary innocent Chinese citizens who may be unaffiliated with these entities. Without this distinction, anyone holding Chinese citizenship who is a long-term resident of China would be barred. Student visa holders or researchers at Alabama universities, others lawfully admitted and authorized to work in Alabama, and even dissidents opposed to the Chinese Communist regime or refugees fleeing religious persecution, would be barred from owning property in Alabama. These provisions thus pose a threat to Alabama’s educational, research, and economic interests.

Even as amended, however, there remains ambiguity in how this law will be enforced, including whether Asian American Alabamians of any heritage (even beyond Korean and Chinese Americans) may face additional unwarranted scrutiny in real estate transactions by sellers, realtors, lenders, or others based on impermissible factors such as their names or appearance.

As Governor Kay Ivey has proudly touted, Alabama's economic growth and vitality rely on the state's ability to spur new jobs and investment, the strength of its "made in Alabama" brand, and its explosive export market. In fact, [Governor Ivey recently announced that contributing to a record surge in exports was trade with China](#) valued at \$3.8 billion dollars, making it Alabama's second largest destination. Any path forward should narrowly focus on deterring specific Chinese state, political, military, and intelligence threats, while protecting existing commercial interests and ensuring that our state remains a welcoming destination for innovation and investment.

As with any legislation affecting rights, a careful balancing of civil liberties and national security equities must be sought – some progress has been made on HB 379, but even as amended, the bill has far to go. AABA and APABA stand ready to work with stakeholders and legislators to ensure that moving forward, any law is thoughtfully drafted to avoid any unintended, unconstitutional, and undesired economic consequences.

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The Alabama Asian Bar Association is a voluntary bar association for Asian Pacific American attorneys, judges, law professors, and other members of the legal profession in Alabama, established to encourage and promote professional growth, cultivate an understanding of the issues facing the APA legal community, and promote the involvement of members in the community at large.

The National Asian Pacific American Bar Association (NAPABA), represents the interests of over 60,000 Asian Pacific American (APA) legal professionals and nearly 90 national, state, and local APA bar associations. NAPABA is a leader in addressing civil rights issues confronting APA communities. Through its national network, NAPABA provides a strong voice for increased diversity of the federal and state judiciaries, advocates for equal opportunity in the workplace, works to eliminate hate crimes and anti-immigrant sentiment, and promotes the professional development of people of all backgrounds in the legal profession.