



May 22, 2023

The Honorable Clay Schexnayder
Speaker
Louisiana House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

The Honorable Patrick Page Cortez
President
Louisiana State Senate
P.O. Box 94183
Baton Rouge, LA 70804

The Honorable Barry Milligan
Louisiana State Senate
P.O. Box 94183
Baton Rouge, LA 70804

The Honorable Valarie Hodges
Louisiana House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

Dear Mr. Speaker, Senator Cortez, Senator Milligan, Representatives Hodges, and Honorable Members,

The Louisiana Asian Pacific American Bar Association (LAPABA) represents Asian American legal professionals in the Pelican State, and is an affiliate of the National Asian Pacific American Bar Association (NAPABA), which serves the interests of over 60,000 Asian Pacific American lawyers, judges, law professors, and law students across the country, through nearly 90 chapters nationwide.

We write regarding HB 537 and SB 91 which prohibit foreign adversaries from purchasing, leasing, or acquiring land in the state of Louisiana. LAPABA together with NAPABA recognize that there are legitimate national security concerns underlying the introduction of this legislation, including safeguarding of defense or critical infrastructure from potentially malign foreign influence.

First, we appreciate that efforts have been made by sponsors to address some of the problematic issues inherent in the original drafts. Still, we believe both bills continue to present several unintended consequences that may harm Louisiana's economy, sweep up innocent parties who may be seeking to either acquire or lease property in the state, and even inadvertently punish those who are opposed to foreign adversaries of the United States. While NAPABA has discussed both constitutional impediments

and discriminatory effects of similar legislation elsewhere, we wish to focus on several practical issues raised by SB 91 and HB 537.

Further drafting is required to mitigate unintended economic harms of HB 537

HB 537 has been amended to scale back its overly broad reach that would encompass any persons “subject to the jurisdiction of a foreign adversary.” As originally introduced, this would have swept in any person or entity who does business in, resides in, has assets in, or even visits one of the named countries of concern. For example, foreign-based oil and gas companies conducting business in Louisiana, who may have subsidiaries, stakes in joint ventures, or other interests in countries such as Russia or Venezuela, could technically be “subject to the jurisdiction” of those countries, and would not be allowed to purchase or lease property (including office space) in the state.

However, in the newly engrossed version, persons “connected with a foreign adversary” remain subject to the prohibitions on purchasing and leasing real estate. The definition of “connected with a foreign adversary” includes persons “contracted by” foreign states. While U.S. and other energy companies have largely exited Russia due to its attack on Ukraine (see:

<https://www.reuters.com/business/energy/halliburton-suspends-future-business-russia-2022-03-18/>),

others remain in a consortium with Russia (see: <https://www.reuters.com/article/cpc-oil/update-1-caspian-pipeline-consortium-resumes-oil-exports-from-black-sea-terminal-idUKL1N36H0IJ>). U.S.-based and foreign oil and gas companies still maintain significant operations in places such as Venezuela (see, e.g., <https://www.chevron.com/worldwide/venezuela>).

Lawfully admitted immigrants authorized to work in the U.S., including dissidents opposed to authoritarian regimes, could still be barred from renting an apartment in Louisiana

Both bills prohibit citizens of foreign adversaries from even renting property. An amendment to HB 537 now exempts U.S. citizens, lawful permanent residents, and visa holders, including those admitted to the United States as students or for employment from its prohibitions. SB 91 as engrossed, however, continues to bar those who hold the citizenship of a foreign adversary, unless they are “legal permanent residents. This phrase, or more precisely “lawful permanent residents,” means green card holders, under U.S. immigration law. On its face, SB 91 would bar dual citizens who hold U.S. citizenship, since only green card holders are exempt. SB 91 would also ban those admitted to the U.S. on student or employment visas.

Despite recent amendments, HB 537 could also bar lawfully admitted refugees fleeing religious and political persecution from purchasing a house or even renting an apartment in Louisiana. That is because refugees often technically enter the United States using transportation letters or boarding foils, rather than visas. Both the House and Senate bills would also bar lawfully present asylees and asylum seekers (typically granted permission to live and work by immigration judges or DHS and not through a visa) from renting an apartment in the state. Our neighbors in Texas have just welcomed a group of over 60 persecuted Christians from China to start a new life in this country, (<https://www.ketk.com/news/local-news/chinese-christian-asylum-seekers-settle-in-tyler/>) and we should examine whether this legislation would turn them away from Louisiana.

SB 91 would also potentially bar opposition figures in Venezuela or Russia, Chinese or Iranian dissidents, Cuban exiles, or others opposed to the regimes of concern from residing in Louisiana, unless they possessed a green card.

As a matter of technical drafting, HB 537 incorrectly states that U.S. Citizenship and Immigration Services issues visas – rather, the U.S. Department of State issues visas including through its embassies and consulates.

SB 91's 50 mile geographical radius would bar persons from acquiring or renting property in New Orleans, Baton Rouge, Shreveport

SB 91 bars real estate transactions within a 50 mile radius of military installations or posts, and by its terms would prevent any citizen of an adversarial country (unless they have a green card) from buying a condo or renting an apartment in New Orleans (due to its proximity to Naval Air Station Joint Reserve Base New Orleans); or in Baton Rouge (near Armed Forces Reserve Center, East Baton Rouge Parish) (thus adversely impacting international students at LSU); or in Shreveport (Barksdale AFB).

We understand the original concern of HB 537 was to protect critical infrastructure including refineries, ports, chemical plants, and farmland from falling into the hands of adverse foreign governments and their agents and we urge further amendments to focus on entities that represent the official governmental or military powers of the states in question, rather than individuals.

Ambiguity in enforcement threatens innocent Asian Americans

Finally, concerns remain over how any such laws would be enforced – at the May 15 hearing on the HB 537 before the Civil Law and Procedure Committee, the sponsor explained that if there was “reasonable suspicion” to suspect that a buyer could be connected to a foreign adversary, that should trigger additional scrutiny and “investigation” – but would that suspicion be triggered merely by a purchaser being Chinese-American? Or even Asian American? The potential for untoward, unjustified scrutiny based on race, national origin, or even perceived race or national origin could have devastating consequences for innocent Asian American residents of Louisiana, seeking the American dream.

These are just some of the most obvious issues that we have been able to identify. LAPABA and NAPABA stand ready to work with your offices on this legislation in order to mitigate potential pitfalls and protect innocent parties, and to ensure that any legislation does not inadvertently disrupt Louisiana's economy and global reputation as an international energy hub.

Sincerely,



Christine Changho Bruneau
President
Louisiana Asian Pacific American Bar Association



Priya Purandare
Executive Director
NAPABA