



Senator Roger Wicker
Chairman
Senate Committee on Armed Services
Russell Senate Building, Room 228
Washington, D.C. 20510

Senator Jack Reed
Ranking Member
Senate Committee on Armed Services
Russell Senate Building, Room 228
Washington, D.C. 20510

Representative Mike Rogers
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

Representative Adam Smith
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

October 16, 2025

Dear Chairmen Wicker and Rogers and Ranking Members Reed and Smith,
CC: Chairmen Tim Scott and French Hill, Ranking Members Elizabeth Warren and Maxine Waters

As you enter into conference to resolve the differences between the House-passed version of the National Defense Authorization Act (NDAA) for Fiscal Year 2026 (**H.R. 3838**) and the Senate-passed bill (**S. 2296**), Asian Americans Advancing Justice | AAJC strongly urges lawmakers to reject provisions that undermine civil rights, target marginalized communities, or misuse national security frameworks in ways that could lead to discrimination. The NDAA plays a vital role in ensuring our nation's defense, but it must also uphold the core values of justice, equality, and inclusion that strengthen our democracy and armed forces. Unfortunately, this year's legislation includes harmful provisions that stray from that mission.

Specifically, we are deeply concerned by [Senate Amendment 3810](#) (S.Amdt.3810). This amendment, led by Senator Rounds, would expand the requirements for initiating the review of reportable foreign purchases of certain agricultural land transactions by the Committee on Foreign Investment in the United States (CFIUS). While we agree that CFIUS is the correct inter-agency committee to review whether foreign investment in covered land impacts U.S. national security interests, this amendment would ultimately shift CFIUS's role away from reviewing the merits of particular foreign transactions and instead turn it into a mandatory tool that requires the president to take a broad prohibitive action against entire categories of persons. S. Amdt. 3810 lacks specific protections for individuals lawfully residing in the U.S. on a temporary basis, including those here on H-1B visas, or those who have fled persecution due to their opposition to the policies of the Chinese Communist Party (CCP) and who have sought refuge and asylum in the U.S. S. Amdt. 3810's vague and overbroad use of the term "agent" to refer to covered individuals could further cast suspicion on individuals of Chinese origin and reinforce harmful stereotypes that all persons of Chinese descent are hostile agents of the CCP. Sensitive national security decisions must be made with narrowed and tailored precision, not by imposing sweeping discriminatory restrictions on communities.

In addition to S. Amdt. 3810, we strongly oppose provisions in the NDAA that dismantle diversity, equity, inclusion, and accessibility initiatives; endanger the health and safety of LGBTQ servicemembers; and entrench discriminatory practices that threaten military readiness.¹ This year's NDAA contains numerous provisions which are anti-LGBTQ and focus on removing access to healthcare needs and promoting fearmongering against transgender and nonbinary individuals, especially in H.R. 3838. These efforts have been a consistent theme in the recent history of the NDAA process, and represent a disturbing trend of using national defense legislation to marginalize vulnerable groups. Such measures erode unit cohesion, harm morale, and contradict the fundamental principles of justice and equal opportunity that our armed forces strive to uphold.²

Therefore, we **OPPOSE** the following provisions in [H.R. 3838](#):

- **H.R. 3838 Amdt. #31** – This provision prohibits gender transition procedures through surgery or medication provided by the Exceptional Family Medical Program. It promotes discrimination against the transgender community at the federal level and follows a trend which has proliferated among the states.³
- **H.R. 3838 Amdt. #24** – This provision prohibits DOD from furnishing “gender related” medical treatments under TRICARE. These are legitimate medical decisions that should be made between a transitioning patient and their healthcare team.⁴
- **H.R. 3838 Amdt. #25** – This provision prohibits the Superintendent of a Service Academy from allowing a cadet or midshipman who is male from participating in an athletic program or activity that is designated exclusively for females. This issue is being manipulated to divide communities and promote exclusion based on harmful myths.⁵
- **H.R. 3838 Amdt. #27** – This provision prohibits the Secretary of Defense from soliciting information through a form or survey regarding the gender identity of an individual. The document cannot provide an option to indicate the sex or gender of an individual is something other than “male” or “female” and if there is such a response, the Secretary is required to reject the response. This is just the latest instance of the government attempting to erase the LGBTQ community from public life.⁶

¹ National Defense Authorization Act for Fiscal Year 2026, H.R. 3838, 119th Cong. (2025); *see also* National Defense Authorization Act for Fiscal Year 2026, S. 2296, 119th Cong. (2025).

² Veronica Stracqualursi, *On Memorial Day, Austin Reflects on Strength of U.S. Military and Dismisses Adversaries' Criticism*, CNN (May 31, 2021), <https://www.cnn.com/2021/05/31/politics/lloyd-austin-us-military-diversity-china-russia-cnntv/index.html>.

³ Human Rights Campaign, Map: Attacks on Gender-Affirming Care by State, <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.

⁴ Kelly Bilodeau, *Gender Affirming Surgery Brings Benefits*, Harv. Health Publ'g (Sep. 1, 2021), <https://www.health.harvard.edu/mind-and-mood/gender-affirming-surgery-brings-benefits>; *see also* Kareen M. Matouk & Melina Wald, *Gender Affirming Care Saves Lives*, Colum. Univ. Psychiatry (Mar. 30, 2022), <https://www.columbiapsychiatry.org/news/gender-affirming-care-saves-lives>.

⁵ Human Rights Campaign, Get the Facts on Sports Bans By Trans & Non-Binary Students, <https://www.hrc.org/resources/get-the-facts-about-transgender-non-binary-athletes>.

⁶ Orion Rummler & Kate Sosin, *All the Way Trump Wants to Exclude Trans People from Public Life*, The 19th (Mar. 5, 2025), <https://19thnews.org/2025/03/trump-anti-trans-executive-orders/>.

- **H.R. 3838 Amdt. #50** – This provision prohibits individuals from accessing or using single-sex spaces on military installations which do not correspond to the biological sex of the individual. It is an excuse to further promote anti-LGBTQ bathroom bans.⁷
- **H.R. 3838 Amdt. #560** – This provision restricts military base commanders' ability to fly unauthorized flags at their discretion. This is a thinly veiled attempt to ban Pride and other “DEI” flags.⁸
- **H.R. 3838 Amdt. #830** – This provision prohibits federal research awards from going to individuals or institutions with affiliations or partnerships with foreign entities, including those listed on U.S. government entity lists. We oppose this provision because it requires applicants to disclose past foreign ties, funding, and activities as well as imposes restrictions on sharing research results which not only undermines academic freedom, but invites bias against individuals on the basis of race, ethnicity, and national origin.

We also OPPOSE the following amendments which have been proposed in the Senate version of the FY26 NDAA (S. 2296):

- **S. 2296 Amdt. #3810** – As previously stated in this letter, we are concerned that this provision risks promoting bias against individuals and businesses with even the most benign nexus to China, including exchange students or those with family abroad.⁹ We specifically object to the overly expansive definition of “agent” as well as the lack of protections for individuals who are legally in the U.S. on a temporary visa, refugees, or asylum seekers and would only support a more narrowly tailored approach that addresses national security threats based on careful review of evidence on a case-by-case basis.

Thank you for considering our recommendations. We believe that a strong military is achieved through diversity and inclusion, and we urge you to ensure that the FY26 NDAA reflects these values. If you have any questions regarding these recommendations, please do not hesitate to reach out to Dennis Jing at djing@advancingjustice-aajc.org.

Sincerely,
Asian Americans Advancing Justice | AAJC

⁷ Rebecca Beitsch & Brooke Migdon, *Federal Agencies Ordered to Implement Transgender Bathroom Ban*, The Hill (Jan. 30, 2025), <https://thehill.com/homenews/lgbtq/5117077-trump-transgender-bathroom-ban-opm-gender-ideology/>.

⁸ Ryan King, *Veterans Lash out at White House After ‘Shameful’ Pride Flag Display*, NY Post (Jun. 12, 2023), <https://nypost.com/2023/06/12/veterans-lash-out-at-white-house-after-shameful-pride-flag-display/>; see also Rachel Schilke, *Lawmakers Fume Over Ban on Pride Flags Included in Spending Bill to Avert Shutdown*, Washington Examiner (Mar. 21, 2024), <https://www.washingtonexaminer.com/news/house/2932995/lawmakers-fume-ban-pride-flags-bill-avert-shutdown/>.

⁹ S. Amdt. 3810 to S. 2296, 119th Cong. (2025).

