

Background: Texas S.B. 51
Last updated: October 12, 2023

AAJC urges the Texas Senate to reject S.B. 51 as well as any future discriminatory land bills. It is paramount that Texas sends a message that welcomes instead of excludes.

Topline Points

- On October 9th, 2023, Texas State Senator Lois Kolkhorst (R) introduced [S.B. 51](#) which seeks to completely ban Chinese, Iranian, North Korean, and Russian citizens from purchasing agricultural land in the state.
- This comes only months after Sen. Kolkhorst introduced a similar bill, [S.B. 147](#), which also sought to discriminate against individuals from these 4 countries and bar them from purchasing agricultural property in the state of Texas. Thanks to grassroots organizing who opposed the discriminatory bill, S.B. 147 stalled in the state House this May.
- Including S.B. 51, 60 discriminatory land bills have now been introduced in 27 states since November 2022. 8 states have enacted them—Alabama, Arkansas, Florida, Indiana, Louisiana, Montana, Tennessee, and Virginia.
- Similar bills have also been introduced at the federal level such as [the Rounds Amendment](#) which was recently included in the Senate version of the Fiscal Year 2024 National Defense Authorization Act. Asian Americans Advancing Justice | AAJC is currently working to exclude the amendment in conferencing.
- Texas in particular [has a history of passing land laws](#) which dates back to the late 19th century in 1891, 1892, and 1921. The last version was formally repealed by the Texas state legislature in 1965.

AAJC Analysis

S.B. 51 is almost identical to the Senate-engrossed version of Sen. Kolkhorst’s S.B. 147, which again was ultimately defeated in the Texas House in the previous state legislative session. While news coverage at the time considered the Senate-engrossed version of S.B. 147 to be watered-down as compared to the version of the legislation that Sen. Kolkhorst originally introduced, the Senate-engrossed version of S.B. 147—and therefore S.B. 51—would still be extremely harmful to Asian American communities.

S.B. 51 is dangerous because it targets individuals. Section 5.253(b)(4) of S.B. 51 lists who would be prohibited from purchasing or otherwise acquiring real property in Texas under certain conditions and, in addition to identifying various governmental entities of a designated country, it singles out “an individual who is a citizen of a designated country.” This is problematic because targeting individuals reinforces the incorrect and problematic notion that Asian immigrants should be alienated, otherized, or subject to extraordinary scrutiny because they are somehow ‘disloyal’ or disproportionately likely to engage in economic espionage on behalf of the Xi Jinping regime. Such harmful assumptions could subsequently lead to the increased discriminatory profiling of the Asian American community.

Though S.B. 51 attempts to narrow the definition of covered individuals, it fails to adequately do so in a way that protects covered communities from unfair treatment. For example, the bill specifies that covered individuals or entities would be prohibited from purchasing land if it was determined that such an action would “create a risk to the health, safety, and welfare of the public,” which is defined as constituting a “violation of state or federal criminal law,” “corporate espionage,” a “public nuisance,” or “causes or threatens to cause bodily injury, including the introduction of a dangerous disease or dangerous substance into an area.” While these may appear to be specific and targeted criteria for what comprises a covered individual such that it would capture legitimate threats, the language provides too much discretion to the Attorney General to express reasonable suspicion that an individual’s land purchase *may* pose a risk to the health, safety, and welfare of the public. Furthermore, Chinese foreign nationals are too often unfairly linked to the spread of COVID-19, which could—in the worst circumstances—be used as the basis of suspecting innocent Chinese foreign nationals of introducing a dangerous disease to the area.

This bill also defines real property as predominantly agricultural land. While not as harmful as defining real property as various forms of real estate (such as buildings or apartments), the bill plays into the harmful rhetorical narrative that the CCP is attempting to purchase or otherwise acquire the American heartland. While it may be the case that some Chinese-owned businesses have an interest in obtaining U.S. agricultural land, the threat that this poses to U.S. food production and cascading supply chains is greatly exaggerated. In reality, China only held [0.9%](#) of total foreign-owned U.S. agricultural land by the end of 2021.

The reintroduction of a discriminatory land law, especially by the same state Senator, is deeply disturbing, and shows that the legacy of racialized property continues to haunt this country. It also demonstrates that the right lessons have not yet been learned and that individuals continue to be scapegoated for the actions of their government. Furthermore, matters of national security belong to the federal government and its agencies rather than the states which often confuse rather than clarify.

Finally, targeting Chinese citizens could result in an economic backlash for Texas, a state which is [heavily dependent](#) on trade and foreign direct investment from China. For example, China was Texas’ second largest trading partner and third largest export destination in 2021. China is also Texas’ second largest import source, amounting to almost \$35 billion in import goods in 2021. Furthermore, over \$20 billion dollars are at stake in investment projects in both locations. A chilling of this relationship would have severe consequences for all individuals, companies, and governments involved.