

One Pager: Texas H.B. 402 and Texas S.B. 307 (Companion Bill)

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Background on Land Laws in Texas

This is not the first time Texas has considered a state “alien land law.” Just last year, State Senator Lois Kolkhost (R) introduced S.B. 147, which is often cited as one of the first examples of modern land laws, introduced in response to what certain lawmakers perceived to be threats to the U.S. electrical grid. Prior to that, Texas has previously passed three versions of alien land laws in 1891, 1892, and 1921, the last of which was only formally repealed by the Texas state legislature in 1965. Asian Americans Advancing Justice | AAJC views any discriminatory land law on non-US individuals to be legally problematic, especially if the law in question is so vague and broad so as to incidentally apply to certain U.S. citizens and lawful permanent residents.

Analysis of H.B. 402/S.B. 307

- Rep. Briscoe Cain’s H.B. 402 and Sen. Lois Kolkhort’s companion bill S.B. 307 are substantively identical, notwithstanding minor technical differences. Both restrict an individual’s right to possess a combination of real property and agricultural land, including but not limited to mine or quarry, mineral, or standing timber land.¹
- The bill(s) target individuals from four designated countries as specified in the Annual Threat Assessment issued by the Director of National Intelligence: China, Russian, Iran, and North Korea.
- While the bill(s) include exceptions for U.S. citizens and lawful **permanent** residents, they **fail** to offer any protections for individuals in the U.S. on a temporary basis, such as employment visa holders, student visa holders, asylum seekers, etc.
- The bill(s) also provide the Texas Attorney General with both investigation and enforcement powers such as requiring production of any relevant materials, providing testimony in response to questions, and the appointment of a receiver should the Texas government seize a property

Talking Points for Advocacy

- The bills’ scope is problematically sweeping. They target any “individual who is a citizen of a designated country,” amounting to billions of potential impacted individuals. For example, they could potentially cover the approximately tens of thousands of international students currently residing in Texas, thousands of whom are from China alone.²
- Due to their outsized scope, these bills would also have a devastating impact on the Texas economy. Texas attracts among the most H1-B visa holders in the country which applies to “high skilled laborers.”³ In 2016, they accounted for almost a fifth of all highly-skilled

¹ A bill to be entitled, H.B. 402, (2024); *see also* A bill to be entitled, S.B. 307, (2024).

² Samantha Ketterer, *See Which Texas Colleges Have the Highest Number of International Students*, Houston Chronicle (Jan. 5, 2023), <https://www.houstonchronicle.com/news/houston-texas/education/article/Texas-colleges-international-students-17694896.php>.

³ Jean Batalova, Michael Fix & Ariel G. Ruiz Soto, *The Costs of Brain Waste Among Highly Skilled Immigrants in Texas*, Migration Policy Institute (Dec. 2016), <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:ae30e2fe-d684-4a65-b122-8bad2feb1570>.

workers in the state at 18%.⁴ Over the years, many Texas business leaders have emphasized the importance of H1-B visa holders both culturally and economically. The tech sector alone was 8% of the Texas economy in 2020, with a quarter of those employees being from immigrant backgrounds.⁵

This latest effort by the Texas state legislature to pass a discriminatory law must be defeated. We remain concerned as before about the anti-Chinese and anti-immigrants fears these bills will stoke.

⁴ *Id.*

⁵ Tyson Tuttle, *Opinion: H1-B Visa Holders are key to the Texas Economy*, Austin American-Statesman (Jul. 18, 2020), <https://www.statesman.com/story/opinion/columns/your-voice/2020/07/18/opinion-h-1b-visa-holders-are-key-to-texas-economy/113872120/>.