



GOVERNOR GREG ABBOTT

November 19, 2024

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9:00am O'CLOCK

NOV 19 2024

Jane Nelson
Secretary of State

Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-48 relating to the hardening of state government.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
November 19, 2024

EXECUTIVE ORDER GA 48

Relating to the hardening of state government.

WHEREAS, the United States Department of Commerce has identified as “foreign adversaries” the People’s Republic of China (PRC), the Democratic People’s Republic of North Korea (North Korea), the Islamic Republic of Iran (Iran), the Republic of Cuba (Cuba), the Russian Federation (Russia), and Venezuelan politician Nicolás Maduro because they “have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons,” 86 Fed. Reg. 4909, 4914 (2021); and

WHEREAS, while all of the above foreign adversaries pose a risk to the United States, Federal Bureau of Investigation (FBI) Director Christopher Wray has stated that the government of the PRC and the Chinese Communist Party (CCP) are the greatest long-term threat to the United States’ economy and national security; and

WHEREAS, the threat from the PRC is from the government of the PRC and the CCP itself, and not from Chinese-Americans or the Chinese people, who are often the primary victims of the PRC and the CCP; and

WHEREAS, the U.S. House Oversight Committee recently conducted an investigation into the CCP’s engagement in the United States and concluded, in a statement issued on September 24, 2024, that “the Biden–Harris Administration has no government-wide strategy to combat CCP warfare” in the American homeland; and

WHEREAS, the Director of National Intelligence’s National Counterintelligence and Security Center published a series of memos between 2022 and 2024 outlining threats to state and local governments by PRC intelligence operations, which include engaging in cultural exchanges, providing gifts, and offering other incentives to Americans in exchange for advocating for policies that advance PRC interests; and

WHEREAS, the risk of foreign-adversary infiltration of state governments was recently highlighted when the U.S. Department of Justice charged Linda Sun, a former senior aide to former New York Governor Andrew Cuomo and current New York Governor Kathy Hochul, for acting as an undisclosed foreign agent of the PRC while working for both governors, accepting gifts and travel from the PRC, and providing the PRC with private state-government communications; and

WHEREAS, the infiltration of New York state government is not an isolated occurrence, for in California, suspected Chinese intelligence operative Christine Fang (also known as Fang Fang) developed deep connections with local and national politicians, including multiple mayors, a state legislator, and a U.S. congressman; and

WHEREAS, according to the FBI, the PRC courts local and state officials as part of its

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:00 AM O'CLOCK

NOV 19 2024

strategy to use “the local to surround the center,” and thus to manipulate local political leaders “to turn Americans against their own government’s interests and their society’s interests”; and

WHEREAS, foreign adversaries seek to sabotage and corrupt key information software and systems and to steal intellectual property, information on critical infrastructure, and personal information at every level of government; and

WHEREAS, the State of Texas is a national leader in protecting critical infrastructure by prohibiting companies from procuring certain key components of critical infrastructure from companies located in or controlled by the PRC, Iran, Russia, and North Korea; and

WHEREAS, protecting critical infrastructure is not just about ensuring the components of that infrastructure are not sourced by foreign adversaries but also ensuring the people who have access to that infrastructure will not compromise it; and

WHEREAS, the PRC’s National Security Law requires all organizations and citizens of the PRC to “support, assist, and cooperate with the state intelligence work”; and

WHEREAS, the risk the PRC poses to the State of Texas is why I directed state agencies to prohibit Tik Tok, which the FBI has said is controlled by the PRC and is a national security threat, on state governmental devices and personal devices used in the workplace; and

WHEREAS, there remains more work to be done pursuant to the fundamental power of state government to protect the health, safety, and welfare of its residents, including by protecting critical infrastructure and information from being accessed by foreign adversaries that attempt to infiltrate state governments;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following:

1. All state agencies controlled by gubernatorially appointed heads, and all public institutions of higher education, shall require any company that submits a bid or proposal with respect to a contract for goods or services to the agency or institution of higher education to certify that the company, and, if applicable, any of its holding companies or subsidiaries, is not:
 - a. Listed in Section 889 of the 2019 National Defense Authorization Act (NDAA); or
 - b. Listed in Section 1260H of the 2021 NDAA; or
 - c. Owned by the government of a country on the U.S. Department of Commerce’s foreign adversaries list under 15 C.F.R. § 791.4; or
 - d. Controlled by any governing or regulatory body located in a country on the U.S. Department of Commerce’s foreign adversaries list under 15 C.F.R. § 791.4.

A covered agency or public institution of higher education cannot enter into a new contract, contract extension, or contract renewal for a good or service with any company that meets any of the above-listed criteria. However, if the agency or public institution of higher education can sufficiently demonstrate that (a) the good or service is necessary for the covered agency or institution of higher education to fulfill a core function that directly benefits Texans and (b) the good

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:00 AM O'CLOCK

NOV 19 2024

or service can only be provided by an entity that meets one of the above-listed criteria, then the covered agency or public institution of higher education may enter into a new contract, contract renewal, or contract extension with such an entity for no more than one year from the date of the issuance of this order, and never thereafter.

2. No personnel of a state agency controlled by gubernatorially appointed heads, or of public institutions of higher education, shall accept any gift, regardless of value, from an entity associated with or travel to, for professional purposes, a country on the U.S. Department of Commerce's foreign adversaries list under 15 C.F.R. § 791.4. All agencies and public institutions of public higher education affected by this order shall include this prohibition in their ethics policies and create a mechanism by which their employees can report being approached by groups representing these countries, that offer gifts or travel, or alleged violations of this ethics policy.
3. The Texas Workforce Commission shall amend the state application to include an attestation by applicants that they are not employed by and do not have any connection or continuous connections to any governmental entity or political apparatus of a country listed in 15 C.F.R. § 791.4.
4. The Office of the Governor, Texas Department of Public Safety, Texas Military Department, Public Utility Commission of Texas, Department of Information Resources, Texas Commission on Environmental Quality, Texas Division of Emergency Management, Office of Public Utility Counsel, Texas Department of Transportation, Texas Health and Human Services Commission, Texas Department of State Health Services, and public institutions of higher education must create processes by which their employees will notify the agency of any personal travel to a foreign-adversary nation prior to their travel and submit a post-travel brief outlining details of the trip, including the dates and purpose of travel, to their employer.
5. Agencies controlled by gubernatorially appointed heads, and public institutions of higher education, must include in the minimum qualifications of the job descriptions of all positions that research, work on, or have access to critical infrastructure as defined in Section 113.001(2), Business and Commerce Code, that a requirement to be hired for and to continue to be employed in that position is the ability to maintain the security or integrity of the infrastructure.

Further, all the above-described personnel, and similarly situated state contractors, must be routinely reviewed to determine whether or not things such as criminal history or continuous connections to the government or political apparatus of a foreign adversary that might prevent the applicant, employee, or contractor from being able to maintain the security or integrity of the infrastructure.

To facilitate these reviews, DPS shall contract with a cyber intelligence company or other similar third-party that can conduct these reviews for agencies and public institutions of higher education. Alternatively, if an agency or public institution of higher education would like to directly contract for these review services, the agency or institution shall consult with DPS before procuring services.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:00AM O'CLOCK

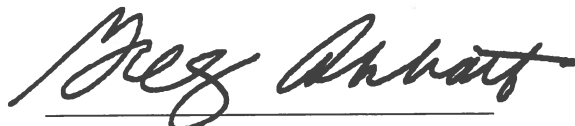
NOV 19 2024

6. All public institutions of higher education that are required to submit reporting on foreign-gift and contract disclosures to the U.S. Department of Education under Section 117 of the Higher Education Act of 1965, must submit the same reporting to the Texas Higher Education Coordinating Board (THECB). THECB shall submit a report outlining the data it receives from public institutions of higher education to the Governor, Lieutenant Governor, and Speaker by December 1st each year.
7. All public institutions of higher education shall include in their employment manuals a prohibition on their faculty and employees from taking part in any foreign recruitment program by a foreign-adversary nation, such as the PRC's Thousand Talents Program.

All affected agencies and public institutions of higher education shall certify with, and submit documentation supporting their certification to, the Office of the Governor that they have effectuated the requirements of this order by the 60th day after the adjournment of the 89th Regular Session of the Texas Legislature.

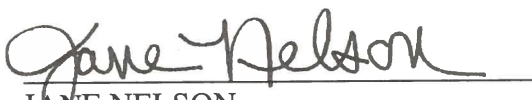
This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Governor.

Given under my hand this the
19th day of November, 2024.



GREG ABBOTT
Governor

ATTESTED BY:



JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:00 AM O'CLOCK

NOV 19 2024