

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for November 19, 2024

Appointed to the Texas Board of Occupational Therapy Examiners for a term to expire February 1, 2027, Beverly J. Ferguson of League City, Texas (replacing Jacob W. Boggus of Harlingen, who resigned).

Greg Abbott, Governor

TRD-202405642



Executive Order GA-47

Relating to the prevention of harassment or coercion of Texans by foreign adversaries.

WHEREAS, on October 28, 2020, Federal Bureau of Investigation Director Christopher Wray announced criminal charges against eight defendants in connection with a campaign to harass, stalk, and coerce U.S. residents to return to the People's Republic of China (PRC); and

WHEREAS, this operation by the PRC, known as Operation Fox Hunt, is part of a broader effort by the Chinese Communist Party (CCP) to forcibly return Chinese dissidents to the PRC; and

WHEREAS, these dissidents are often "guilty" of nothing more than opposing the PRC government or CCP actions, including by exposing corruption; and

WHEREAS, the PRC forces targeted dissidents to return in several ways, including threatening dissidents' families still residing in China, using PRC assets to target dissidents abroad in their host countries, and kidnapping and smuggling dissidents back into the PRC; and

WHEREAS, according to Safeguard Defenders—a human rights nonprofit focused on protecting people's basic rights and enhancing the rule of law in Asia—as of 2022, the PRC has at least 102 illicit overseas "police service stations" worldwide, including some in the United States, which carry out this unlawful campaign of threats, harassment, and harm against U.S. citizens and lawful U.S. residents of Chinese origin or descent; and

WHEREAS, the FBI has shut down one PRC "police service station" in New York City, and Safeguard Defenders believes there are at least six more in the United States, including one in Houston; and

WHEREAS, these illicit "police service stations" are also used to further the PRC's espionage goals within the United States; and

WHEREAS, Texas is home to more than 250,000 individuals of Chinese descent; and

WHEREAS, the Chinese people, including the Chinese diaspora communities across America and within Texas, are often the primary victims of these PRC and CCP intimidation efforts; and

WHEREAS, it is a fundamental duty of a state government to protect the safety and welfare of its residents; and

WHEREAS, all residents of Texas deserve the utmost security and protection that can be provided by the State of Texas, including against foreign adversaries; and

WHEREAS, under Section 411.002 of the Texas Government Code, the Texas Department of Public Safety (DPS) is a state agency with the duty to protect public safety and provide for the prevention and detection of crime; and

WHEREAS, any potential harassment or coercion of individuals in Texas by the PRC or CCP is unacceptable and will not be tolerated by my administration;

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 DPS to take the following actions to protect Texans, including Texans of Chinese descent, from the unlawful and repressive actions of the PRC, the CCP, and their proxies in Texas:

1. Identify and bring appropriate criminal charges against individuals preying on dissidents on behalf of any foreign adversary.
2. Work with local and federal law enforcement partners through the Texas Fusion Center to assess the incidence of transnational repression executed by foreign adversaries occurring within the State of Texas.
3. Uncover and document suspected actors planning, attempting, or carrying out acts of repression, and-by January 15, 2025—provide policy recommendations to the Governor, Lieutenant Governor, and Speaker on how to effectively counter such threats and develop training programs that can be used by governmental and nongovernmental organizations to identify and report this kind of illicit activity to DPS.
4. Create and publicize a hotline, and update the iWatch Texas Community Reporting System, so Texans can report potential acts of oppression or coercion by the PRC or CCP actors, or other foreign adversaries, against Texans.

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 18th day of November, 2024.

Greg Abbott, Governor

TRD-202405605



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 Nicolas 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 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 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.

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

TRD-202405611



Executive Order GA-49

Relating to the protection of critical infrastructure.

WHEREAS, on April 18, 2024, Federal Bureau of Investigation Director Christopher Wray stated that the People's Republic of China (PRC) "has made it clear that it considers every sector that makes our society run as fair game in its bid to dominate on the world stage, and that its plan is to land low blows against civilian infrastructure to try to induce panic and break America's will to resist"; and

WHEREAS, in the same speech, FBI Director Wray stated that "the PRC's targeting of our critical infrastructure is both broad and unrelenting" and that the PRC is working to "give itself the ability to physically

wreak havoc on our critical infrastructure at a time of its choosing"; and

WHEREAS, the National Security Agency and Cybersecurity and Infrastructure Security Agency have raised similar alarms, stating, "PRC state-sponsored actors compromise and maintain persistent access to U.S. critical infrastructure"; and

WHEREAS, as recently as April 2024, the PRC's goal of accessing and compromising critical infrastructure was on display in a campaign of cyberattacks by Volt Typhoon, a PRC-sponsored actor based in China, that specifically targeted communications, energy, transportation, water, and wastewater systems across the United States and its territories; and

WHEREAS, the purpose of compromising this infrastructure is "to cause real-world harm to American citizens and communities in an event of conflict" between the United States and the PRC, according to FBI Director Wray; and

WHEREAS, this "real-world harm" directly threatens Texans, as Texas contains a significant amount of the United States' military bases, oil and gas production and refining, industrial manufacturing, energy generation, agriculture and food production, and semiconductor and electronics manufacturing; and

WHEREAS, while the federal law enforcement community has worked to investigate and pursue these attacks after the fact, Texas must respond immediately to prevent future attacks by removing vulnerabilities to critical infrastructure in the state; and

WHEREAS, Section 418.177 of the Government Code generally makes confidential certain governmental information that seeks to prevent, detect, or investigate acts of terrorism or criminal activity and the vulnerability of persons or property, including critical infrastructure, to such acts; and

WHEREAS, Section 418.181 of the Government Code generally makes confidential certain governmental information that seeks to identify the technical details of particular vulnerabilities of critical infrastructure to such acts; and

WHEREAS, it is a fundamental duty of state government to protect the health, safety, and welfare of its residents, including in the event of an Indo-Pacific conflict initiated by the PRC, for which the PRC has openly said it wants to be ready by the end of the decade; and

WHEREAS, I signed the Lone Star Infrastructure Protection Act in 2021 to prohibit governmental entities and businesses from entering into contracts that would allow companies owned or controlled by hostile foreign nations to gain access to Texas' critical infrastructure; and

WHEREAS, much more work must be done to protect Texas' critical infrastructure from foreign threats;

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. The Texas Division of Emergency Management (TDEM) shall, in coordination with relevant state agencies, convene a task force that surveys the vulnerabilities of the state government, local governments, and critical infrastructure (including but not limited to oil and gas production and delivery systems; water supply, refinement, storage, and delivery systems; communications networks; electrical power delivery systems; emergency services; transportation systems and services; and personal data or otherwise classified information storage systems) in the event of a conflict. The task force shall recommend policies and best practices to address any vulnerabilities.

2. The Public Utility Commission shall convene a committee of relevant state agencies that will conduct an annual tabletop exercise on how the State will respond to a black start event and recommend policies the State should adopt and best practices for the private sector to prepare for a black start event in the event of an Indo-Pacific conflict.

3. TDEM shall, in coordination with relevant state agencies, lead an annual tabletop exercise simulating a cyberattack by a foreign adversary on a sector of the Texas economy, and its cascading affects, and shall recommend policies and best practices to prevent, contain, and mitigate damage from such an attack. Each year, the exercise should focus on a different sector of Texas' economy that is vulnerable to attack.

4. TDEM shall assemble relevant state agencies to develop and evaluate emergency planning and response procedures related to electromagnetic threats and shall recommend policies and best practices to protect critical infrastructure from such threats. TDEM shall also coordinate with any applicable federal government agencies to assist in identifying resources to aid the creation of plans, procedures, policies, and best practices.

5. The Electricity Reliability Council (ERCOT) of Texas shall create a secure, dedicated communications channel for telecommunication and electrical infrastructure companies to use to help ERCOT prioritize load requests during a critical grid incident. ERCOT shall have this communications channel operational by June 30, 2025.

Recommendations for orders one through four shall be submitted yearly to the Office of the Governor, the Lieutenant Governor, and the Speaker no later than January 15, 2025, the first year, and December 1 each year thereafter.

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

TRD-202405635



Proclamation 41-4151

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on October 14, 2024, certifying that elevated fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same elevated fire weather conditions persist in certain counties in Texas;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Atascosa, Bastrop, Bee, Caldwell, Calhoun, Colorado, DeWitt, Fayette, Frio, Goliad, Gonzales, Guadalupe, Jim Wells, Karnes, La Salle, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, Taylor, Victoria, and Wilson Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 13th day of November, 2024.

Greg Abbott, Governor

TRD-202405516



Proclamation 41-4152

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued an executive order on November 19, 2024, relating to the hardening of state government against threats from foreign adversaries; and

WHEREAS, the executive order directed all state agencies controlled by gubernatorially appointed heads and all public institutions of higher education to take certain actions to protect 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 amend the first paragraph of point 5 on page 3 of Executive Order GA-48 to read as follows:

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 2275.0101(2) of the Government Code and Section 117.001(2) of the 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.

This proclamation shall remain in effect and in full force for as long as Executive Order GA-48 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 21st day of November, 2024.

Greg Abbott, Governor

TRD-202405700

