

GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE C. STATE MILITARY FORCES AND VETERANS

For expiration of this chapter, see Section 438.210.

CHAPTER 438. TEXAS ADVISORY COMMITTEE ON GEOPOLITICAL CONFLICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 438.001. SHORT TITLE. This chapter may be cited as the Texas Geopolitical Conflict Stress Test Act.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.002. POLICY STATEMENT. (a) It is the policy of this state to support the civilian and military command of the United States and its efforts to promote and maintain prosperity, peace, and security for the United States and its allies. It is the policy of this state to enhance the defensive posture of this state, to protect the citizens and assets of this state, and to contribute to the broader defensive posture of the United States by reducing security vulnerabilities within this state.

(b) It is the policy of this state to exercise foresight and make reasonable preparations for a potential geopolitical conflict that:

(1) involves attacks on the United States and its allies;

(2) involves asymmetrical attacks on the United States homeland; and

(3) causes the disruption or complete severing of supply chains between this state and international trade partners.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.003. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the Texas Advisory Committee on Geopolitical Conflict established under this chapter.

(2) "Critical infrastructure" means a publicly or

privately owned system or asset, whether physical or virtual, so vital to this state or to the United States that the incapacity or destruction of the system or asset would have a debilitating impact on state or national security, state or national economic security, state or national public health, or any combination of these, and includes:

- (A) an oil and gas production, storage, or delivery system;
- (B) a water supply, refinement, storage, or delivery system;
- (C) a communications network;
- (D) an electrical power delivery system;
- (E) an emergency service system;
- (F) a transportation system or service;
- (G) a personal data or classified information storage system, including a cybersecurity system; or
- (H) a military installation.

(3) "Critical procurement" means a purchase made by a state agency, a political subdivision of this state, or a private nongovernmental organization that is critical to the proper functioning of state services, state operations, or the operations of this state's critical infrastructure, or the health, safety, or security of this state's citizens.

(4) "Drug supply chain" means the end-to-end process for manufacturing, acquiring, shipping, and vending prescription drugs beginning at any point of origin and ending in this state, including acquiring and shipping any key starting materials and active pharmaceutical ingredients necessary to manufacture and distribute prescription drugs in this state.

(5) "Geopolitical conflict" means:

(A) a declared war or armed conflict between the United States or any of its allies and another nation that occurs in the land, air, or sea and threatens or could reasonably escalate to threaten the supply chains, critical infrastructure, safety, or security of this state or the United States; or

(B) a significant deterioration of diplomatic ties or economic engagement between the United States or its allies

and another nation that threatens the status quo of trade, travel, and military operations or exercises.

(6) "State supply chain" means the end-to-end process for shipping goods purchased by a state agency or a political subdivision of this state to the state agency or political subdivision, beginning at the point of origin through any point of distribution, including through vendors, to the destination.

(7) "Texas National Guard" has the meaning assigned by Section 437.001.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. 2312), Sec. 1, eff. September 1, 2025.

SUBCHAPTER B. ADVISORY COMMITTEE

Sec. 438.101. ESTABLISHMENT OF TEXAS ADVISORY COMMITTEE ON GEOPOLITICAL CONFLICT. (a) The Texas Advisory Committee on Geopolitical Conflict is established to:

(1) develop state security strategies and policies before a geopolitical conflict occurs; and

(2) collect and prepare information to assist in enhancing this state's command-and-control functions in the event of a conflict described by Subdivision (1).

(b) The advisory committee is administratively attached to the Texas Military Department.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. 2312), Sec. 1, eff. September 1, 2025.

Sec. 438.102. ADVISORY COMMITTEE COMPOSITION AND ADMINISTRATION. (a) The advisory committee consists of the following nine members:

(1) one member appointed by the governor;

(2) a representative of the Texas National Guard, appointed by the governor;

(3) two members appointed by the lieutenant governor;

(4) two members appointed by the speaker of the house of representatives;

(5) the adjutant general or the adjutant general's

designee;

(6) the public safety director of the Department of Public Safety or the public safety director's designee; and

(7) the chief of the Texas Division of Emergency Management or the chief's designee.

(b) In making appointments to the advisory committee, the governor, lieutenant governor, and speaker of the house of representatives shall appoint individuals who have applicable knowledge of the threats posed to this state in the event of a geopolitical conflict.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.103. TERMS; VACANCY. (a) Except as provided by Subsection (b), the appointed advisory committee members shall serve for a term of two years.

(b) Subsection (a) does not apply to the advisory committee members described by Sections [438.102](#)(a)(5), (6), and (7).

(c) If a vacancy occurs on the advisory committee, the appropriate appointing authority shall appoint a successor in the same manner as the original appointment.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.104. ADVISORY COMMITTEE OFFICERS. (a) The adjutant general or the adjutant general's designee serving on the advisory committee under Section [438.102](#)(a)(5) shall serve as chair of the advisory committee.

(b) The lieutenant governor shall designate one appointee to serve as vice chair of the advisory committee.

(c) The advisory committee may elect additional officers from among its members.

(d) The advisory committee shall establish and approve duties and responsibilities for advisory committee officers.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.105. REIMBURSEMENT FOR EXPENSES. A member of the advisory committee is not entitled to compensation for service on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing committee duties as provided by the General Appropriations Act.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.106. MEETINGS. (a) The advisory committee shall meet at least once every three months, with additional meetings on the call of:

(1) a majority of the members of the advisory committee; or

(2) the governor.

(b) Advisory committee meetings are not subject to Chapter [551](#).

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.107. GIFTS AND GRANTS. The advisory committee may accept gifts, grants, and donations to pay for the advisory committee's activities under this chapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

SUBCHAPTER C. POWERS AND DUTIES OF ADVISORY COMMITTEE

Sec. 438.201. GENERAL POWERS. (a) The advisory committee may consult with and retain external advisors to provide expertise and collaborative research support.

(b) The advisory committee may conduct field investigations, hold hearings, receive testimony in any form, consult with federal and state officials, and otherwise take any lawful action to carry out the purposes of the advisory committee.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.202. TABLETOP EXERCISE; REPORT. (a) The advisory committee, with assistance from the Texas National Guard, shall conduct a tabletop exercise centered on an invasion by a foreign adversary. The exercise must explore the following scenarios:

(1) a scenario that would result in aggression against the armed forces of the United States; and

(2) a scenario that would involve intentional or incidental damage to a state supply chain, a critical infrastructure facility, or another asset.

(b) The advisory committee shall produce and submit to the governor a report describing how a geopolitical conflict would impact this state not later than October 1, 2026. The advisory committee may request additional tabletop exercise reports following the initial report.

(c) For the purpose of conducting a tabletop exercise under this section, an entity providing electric or gas utility services is not required to disclose the specific locations of the entity's critical infrastructure to the advisory committee.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.203. SUPPLY CHAINS AND CRITICAL PROCUREMENTS AUDIT; REPORT. (a) The advisory committee, with assistance from the adjutant general, shall investigate critical procurements supplied through a state supply chain that would be disrupted in the event of a geopolitical conflict.

(b) The advisory committee shall produce and submit a report of the committee's findings to the governor not later than October 1, 2026.

(c) The initial report must:

(1) identify all critical procurements produced in or by a foreign adversary, a state-owned enterprise of a foreign adversary, a company domiciled within the territory of a foreign adversary, or a company owned by a company domiciled within the territory of a foreign adversary, or substantially sourced from an entity described by this subdivision;

(2) identify all critical procurements manufactured

in countries, or by companies, at risk of disruption in the event of a geopolitical conflict;

(3) identify all critical procurements sourced from any country or company that relies on a supply chain at risk of disruption in the event of a geopolitical conflict;

(4) recommend alternative sourcing strategies for critical procurements, if available;

(5) highlight the difficulty in identifying potential alternative sourcing for critical procurements, if relevant; and

(6) specify the level of risk to this state associated with a disruption described by Subdivision (2) or (3) in supply chain sourcing for each critical procurement that is threatened in the event of the disruption.

(d) The advisory committee may conduct additional investigations following the initial report.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.204. DRUG SUPPLY CHAIN AUDIT; REPORT. (a) In this section, "company subject to the jurisdiction of a foreign adversary" includes a state-owned enterprise of a foreign adversary, a company domiciled or headquartered in the territory of a foreign adversary, or any wholly owned or majority-owned subsidiary of a company domiciled or headquartered in the territory of a foreign adversary.

(b) The advisory committee, in collaboration with the Health and Human Services Commission and the Department of State Health Services, shall investigate the drug supply chain of this state to identify prescription drugs, including active pharmaceutical ingredients and key starting materials, that are produced in or by a foreign adversary or substantially sourced from a company subject to the jurisdiction of a foreign adversary.

(c) The advisory committee shall investigate whether the prescription drugs identified under Subsection (b):

(1) are of low or questionable efficacy; or

(2) are toxic or contain impurities known to the United States Food and Drug Administration, the United States

Department of Agriculture, or any other governmental agencies to pose a risk to human health.

(d) The advisory committee shall study whether the drug supply chain of the prescription drugs identified under Subsection (b) would be disrupted in the event of a geopolitical conflict.

(e) The advisory committee shall produce an initial report on the prescription drugs identified under Subsection (b). The initial report must:

- (1) list the prescription drugs;
- (2) identify the classes and common uses of the prescription drugs;
- (3) assess the risk posed by the prescription drugs, including concerns related to quality, efficacy, toxicity, or impurity;
- (4) determine the impact of a geopolitical conflict on the drug supply chain of the prescription drugs;
- (5) recommend alternative sourcing strategies for the prescription drugs in the event of a geopolitical conflict;
- (6) describe any difficulty in identifying or using alternative sourcing strategies under Subdivision (5) for prescription drugs, as necessary; and
- (7) determine the feasibility and cost of creating and maintaining a strategic supply of prescription drugs in the event of a geopolitical conflict.

(f) The advisory committee shall submit the initial report of prescription drugs identified under this section to the governor not later than October 1, 2026.

(g) The advisory committee may conduct additional investigations and produce additional reports on the prescription drugs identified under Subsection (b) as the committee determines necessary.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.205. CRITICAL INFRASTRUCTURE PROTECTION AUDIT; REPORT. (a) The advisory committee shall investigate potential threats to critical infrastructure in this state in the event of a

geopolitical conflict.

(b) The advisory committee shall produce and submit to the governor a report of the committee's findings not later than October 1, 2026.

(c) The initial report must:

(1) identify all critical infrastructure and other assets within this state that could reasonably be targeted in a malicious act by a foreign adversary in the event of a geopolitical conflict and would result in a significant negative impact on the public health, safety, economic security, or physical security of this state's citizens;

(2) identify specific risks posed to each critical infrastructure or other asset identified under Subdivision (1) in the event of a geopolitical conflict, including known vectors of attack such as cyberattack and physical sabotage; and

(3) develop strategies to:

(A) prevent and protect against threats posed to critical infrastructure and other assets identified under Subdivision (1) in the event of a geopolitical conflict; and

(B) minimize the damage to this state if a malicious act described by Subdivision (1) succeeds in damaging critical infrastructure and other assets in this state.

(d) The advisory committee may conduct additional investigations and produce additional reports as the committee determines necessary.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.206. OTHER INVESTIGATIONS. The advisory committee may investigate additional matters at its own discretion on a majority vote of the committee.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.207. SUBPOENA. (a) The advisory committee may compel by subpoena the attendance of a relevant witness at a hearing or the production for inspection or copying of a record that is

relevant to the advisory committee's duties under this chapter.

(b) The advisory committee, acting through the attorney general, may bring an action in a district court to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.208. CONFIDENTIALITY OF INFORMATION. (a) Except as provided by Subsection (b), any research, data, reports, findings, and other information provided to or produced by the advisory committee:

(1) is confidential and excepted from the requirements of Section [552.021](#); and

(2) shall be maintained by the office of the governor.

(b) The governor may disclose information described by Subsection (a). A disclosure by the governor is not considered a disclosure of confidential information or a disclosure to the public for purposes of Section [552.007](#) and does not waive the right to assert in the future that the information is confidential or excepted from required disclosure under this section or other law.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.209. PUBLIC REPORT AND POLICY RECOMMENDATIONS.

(a) Notwithstanding Section [438.208](#) and subject to Subsections (b) and (c), the advisory committee shall make available an annual report with narrative and summary findings from the advisory committee's investigations for the purpose of educating the public.

(b) The report may include policy recommendations for consideration by state and local government officials and recommendations to improve the resilience of this state's citizens and critical infrastructure. The report may not include any information the release of which would pose a risk to state security or national security.

(c) The advisory committee may not release the report required by Subsection (a) unless the release is approved by a majority vote of the advisory committee.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.

Sec. 438.210. EXPIRATION. The advisory committee is abolished and this chapter expires September 1, 2029.

Added by Acts 2025, 89th Leg., R.S., Ch. 94 (S.B. [2312](#)), Sec. 1, eff. September 1, 2025.