

HB17 Misinterprets the Federal Definition of “Foreign Adversaries”

Under **federal law**, only individuals who have “*engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the safety of U.S. persons*” can be classified as **foreign adversaries**.

15 CFR 791.4 (up to date as of 4/10/2025)
Determination of foreign adversaries.

15 CFR 791.4 (Apr. 10, 2025)

This content is from the eCFR and is authoritative but unofficial.

Title 15 — Commerce and Foreign Trade

Subtitle B — Regulations Relating to Commerce and Foreign Trade

Chapter VII — Bureau of Industry and Security, Department of Commerce

Subchapter E — Information and Communications Technology and Services Regulations

Part 791 — Securing the Information and Communications Technology and Services Supply

Chain

Subpart A — General

Authority: 50 U.S.C. 1701 *et seq.*; 50 U.S.C. 1601 *et seq.*; E.O. 13873, 84 FR 22689; E.O. 14034, 86 FR 31423

Source: 86 FR 4923, Jan. 19, 2021, unless otherwise noted. Redesignated at 89 FR 58265, July 18, 2024.

Editorial Note: Nomenclature changes to part 791 appear at 89 FR 96892, Dec. 6, 2024.

§ 791.4 Determination of foreign adversaries.

(a) The Secretary has determined that the following foreign governments or foreign non-government persons 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 and, therefore, constitute foreign adversaries solely for the purposes of the Executive Order, this rule, and any subsequent rule:

- (1) The People's Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region (China);
- (2) Republic of Cuba (Cuba);
- (3) Islamic Republic of Iran (Iran);
- (4) Democratic People's Republic of Korea (North Korea);

Unlike the eCFR's definition, which focuses on individuals engaged in long-term conduct harmful to national security, HB17 mistakenly labels all individuals from certain foreign governments as foreign adversaries.

✦ Reference: <https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-E/part-791/subpart-A/section-791.4>

However, Texas House Bill 17 (HB17) **wrongly expands this definition to include all individuals** from certain countries—such as China, Iran, Russia, and North Korea—**regardless of their actions, status, or intent**.

This broad and indiscriminate classification:

- **Misrepresents federal law;**
- **Violates the principle of individual assessment;**
- **And threatens the fair housing rights and civil liberties** of lawful residents, students, and professionals who pose no national security risk.

We must uphold constitutional protections and ensure laws target actual misconduct—not innocent individuals based on origin.