



GOVERNOR GREG ABBOTT

July 28, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30 AM O'CLOCK

JUL 28 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

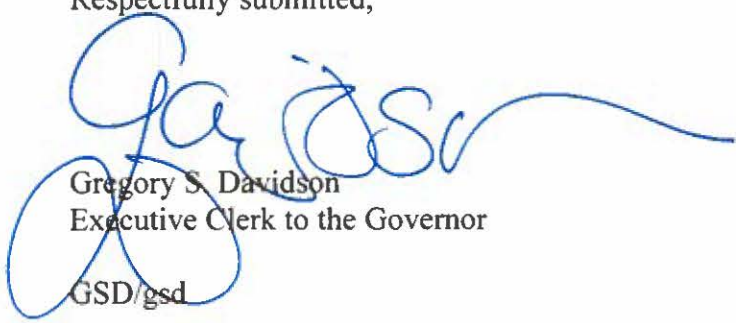
Dear Deputy Secretary Esparza:

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

Executive Order No. GA-37 relating to the transportation of migrants during the COVID-19 disaster.

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

Respectfully submitted,


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
July 28, 2021

EXECUTIVE ORDER
GA 37

Relating to the transportation of migrants during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 that the surge of individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of disaster for certain counties and agencies in the State of Texas, including the potential for the spread of COVID-19; and

WHEREAS, in each subsequent month effective through today, I have amended and renewed the border disaster declaration; and

WHEREAS, in a so-called "Title 42 order," President Trump took action to protect Americans from COVID-19 by rapidly expelling migrants who could carry the disease across the border; and

WHEREAS, the Biden Administration has kept in place the Title 42 order, and for good reason; and

WHEREAS, despite the emergence of the highly contagious delta variant of COVID-19, and the fact that vaccination rates are lower in the countries that newly admitted migrants come from and pass through, President Biden has thwarted the Title 42 order's effect by admitting into the United States and the State of Texas, migrants who are testing positive for COVID-19; and

WHEREAS, President Biden's failure to enforce the Title 42 order, combined with his refusal to enforce the immigration laws enacted by Congress, is having a predictable and potentially catastrophic effect on public health in Texas; and

WHEREAS, to take just one data point, reports show that U.S. Customs and Border Protection (CBP) has recently seen a 900 percent increase in the number of migrant detainees who tested positive for COVID-19 in the Rio Grande Valley; and

WHEREAS, busloads of migrants, an unknown number of whom are infected with COVID-19, are being transported to communities across the State of Texas, exposing

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Texans to the spread of COVID-19, as has already been reported in cities like La Joya, among others; and

WHEREAS, President Biden's refusal to enforce laws passed by the United States Congress cannot be allowed to compromise the health and safety of Texans by knowingly exposing them to COVID-19; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, the admittance and movement of migrants under the Biden Administration is exposing Texans to COVID-19 and creating a public health disaster in Texas;


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 on a statewide basis effective immediately:

1. No person, other than a federal, state, or local law-enforcement official, shall provide ground transportation to a group of migrants who have been detained by CBP for crossing the border illegally or who would have been subject to expulsion under the Title 42 order.
2. The Texas Department of Public Safety (DPS) is directed to stop any vehicle upon reasonable suspicion of a violation of paragraph 1, and to reroute such a vehicle back to its point of origin or a port of entry if a violation is confirmed.
3. DPS is authorized to impound a vehicle that is being used to transport migrants in violation of paragraph 1, or that refuses to be rerouted in violation of paragraph 2.

This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 28th
day of July, 2021.


GREG ABBOTT
Governor

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ATTESTED BY:



JOE A. ESPARZA
Deputy Secretary of State

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