



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 643

May 13, 2026

ISSUE

Whether, under Section 572.070 of the Government Code, a state employee is required to report certain contacts with an employee of a university owned or controlled by the People's Republic of China? What are the reporting requirements for frequent contacts? (AOR-747)

SUMMARY

Advisory opinions cannot adjudicate disputed facts. For the sake of the opinion, we assume that the contacts employed by state-owned or state-controlled universities are working on behalf of foreign adversaries.

In cases of frequent contacts with the same person, one report may be submitted every thirty days covering contacts during that time.

FACTS

Under newly enacted legislation, an employee or volunteer of a state agency or a political subdivision is required to report to the Texas Ethics Commission ("TEC") each interaction, communication, or meeting the employee or volunteer has with a person acting on behalf of a foreign adversary not later than the 30th day after the date of the interaction, communication, or meeting. Tex. Gov't Code § 572.070.

The requestor is an assistant professor at a Texas university. The requestor routinely communicates with researchers at foreign, state-owned or state controlled academic institutions. The requestor states that the communications are limited to open, fundamental research intended for publication and that no gifts, items of value, honoraria, or travel/lodging are offered or accepted in connection with the communications.

The requestor specifically asks whether contacts with a faculty member, postdoc, or student employed by a Chinese university qualifies as a "person acting on behalf of a foreign adversary" solely by virtue of the foreign contact being employed by a state-owned/state-controlled university. The requestor also asks what factors would cause a foreign contact to be considered "acting on behalf of a foreign adversary" for the purposes of Section 572.070(c), such as titles/roles, affiliation with non-university entities, directions by a government body, etc.

Finally, the requestor asks about the reporting requirements for frequent interactions under Section 572.070(c).

ANALYSIS

The definition of “foreign adversary” includes, in relevant part, countries identified by the United States Director of National Intelligence as a country that poses a risk to the national security of the United States or countries that have been designated by the governor. *See* Tex. Gov’t Code § 572.0707(a).

Whether communications made to a state employee by an employee of the Chinese university are required to be reported by the state employee turns on whether the communications are made “on behalf of” China.

Section 572.070(c) does not provide a definition for “on behalf of.” *See* Tex. Gov’t Code § 572.070(c). When construing a statute, words are to be given their ordinary meaning. Tex. Gov’t Code § 312.002. “On behalf of” means as a representative of someone, or for the benefit of or in support of someone. <https://www.merriam-webster.com/dictionary/on%20behalf%20of> (last accessed March 31, 2026).

An advisory opinion cannot resolve a disputed question of fact. 1 Tex. Admin. Code § 8.3(c). Without further information, we cannot answer if merely being employed by a Chinese owned or controlled university would mean that a person is acting on behalf of China. Therefore, for the purposes of this opinion, we assume without deciding that because China is a foreign adversary and the contacts at issue in this request work at Chinese owned or Chinese controlled universities, that an employee of such a university acting in their official capacity would therefore be acting on behalf of China. *See* Texas Governor Greg Abbott, Executive Order No. GA-48 (November 19, 2024) (“WHEREAS, the [People’s Republic of China’s] National Security Law requires all organizations and citizens of the PRCs to ‘support, assist, and cooperate with the state intelligence work;’”).

Regarding reporting frequent interactions, the statute requires that “each interaction, communication, or meeting [...] with a person acting on behalf of a foreign adversary” be reported “not later than the 30th day after the date of the interaction.” Tex. Gov’t Code § 572.070(c). It is permissible under the statute to report all interactions in 30-day increments, which reduces the number of forms required to be submitted while maintaining the 30-day deadline.