EXECUTIVE ORDER

DH-2026-04

RELATING TO PROHIBITING THE USE OF TAXPAYER FUNDS ADMINISTERED BY THE COMPTROLLER OF PUBLIC ACCOUNTS FOR DISCRIMINATORY DIVERSITY, EQUITY, AND INCLUSION PROGRAMS, AND REQUIRING CERTIFICATION BY CONTRACTORS AND GRANTEES.

WHEREAS, the U.S. Constitution and Article I, Sections 3 and 3a of the Texas Constitution require that state government always treat people equally regardless of membership in any racial group, refusing to place a thumb on the scale for or against anyone based on race, and the Texas Equal Rights Amendment subjects classifications based on sex to the same strict scrutiny; and

WHEREAS, on January 31, 2025, Governor Greg Abbott issued Executive Order GA-55, directing all state agencies to ensure that all agency rules, policies, employment practices, use of state funds, awarding of government benefits, and all other official actions treat people equally, regardless of race; and

WHEREAS, GA-55 recognized that diversity, equity, and inclusion (DEI) and other divisive agendas are new forms of racism that seek to establish creditor and debtor races, and that no state agency may employ practices rooted in the unlawful idea that a person is inherently good or bad, blameworthy or innocent, or entitled or disentitled based on race; and

WHEREAS, Texas Attorney General Opinion No. KP-0505 concluded that race- and sex-based public-sector preferences cannot survive strict scrutiny and are therefore unconstitutional; that many private-sector DEI practices trigger liability under Title VII of the Civil Rights Act of 1964, the Texas Commission on Human Rights Act, and 42 U.S.C. § 1981; and that the time for evaluating any candidate, employee, or recipient of government largesse based on skin color or sex has come to an end; and

WHEREAS, the Comptroller of Public Accounts administers thousands of contracts and grants for hundreds of state agencies and thousands of local governments, and must ensure that every taxpayer dollar flowing through this agency is spent lawfully;

NOW, THEREFORE, I, DON HUFFINES, Comptroller of Public Accounts of the State of Texas, by virtue of the power and authority vested in me by the Constitution and Statutes of the State of Texas, including Article IV, Section 23 of the Texas Constitution and Chapters 403, 783, 2155, and 2261 of the Texas Government Code, do hereby order:

1. That Comptroller personnel, in carrying out their duties and responsibilities, comply with the color-blind guarantee of both the state and federal Constitutions, including by ensuring that all agency rules, policies, employment practices, communications, use of state and federal funds, awarding of government benefits, and all other official actions treat people equally, regardless of race.

2. That no funds administered by the Comptroller of Public Accounts, under any contract or grant, shall be used to establish, operate, promote, or support discriminatory DEI, and that Comptroller personnel shall endeavor to ensure that every Comptroller contract and grant agreement require the contractor or grantee to certify that (a) no part of its work for the State involves discriminatory DEI; (b) it complies with all applicable state and federal anti-discrimination laws; and (c) it operates no DEI program that violates such laws.

3. That Comptroller personnel shall endeavor to ensure that each agreement administered by the Comptroller be terminable immediately, without penalty to the State, upon determining that the contractor or grantee has breached its certification or used state funds for discriminatory DEI, and to pursue all other remedies available at law.

4. That each division of this agency that procures goods or services or administers grants shall endeavor to ensure the incorporation ofthese terms into all solicitations, contracts, grant agreements, renewals, extensions, and amendments executed on or after the effective date of this order.

This order is issued in the Comptroller's capacity as a contracting and grant-making party. This order is effective immediately and remains in full force until modified, amended, rescinded, or superseded by the Comptroller.

ISSUED in Austin, Texas, this 22nd day of October, 2026.

DON HUFFINES

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

ATTESTED:

Chief Clerk, Office of the Comptroller